

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Mon 6/26/2017 9:56:57 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

A Concur document for SAMANTHA DRAVIS, TAA04CZO, Vch with a trip departure date of 06/02/17 has been stamped RETURNED by SEBASTIAN, GLORIA LYNN and is now awaiting your action.

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□

To: Dravis, Samantha[dravis.samantha@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov];
Trey Glenn [Personal Email/Ex. 6] glenn.trey@epa.gov[glenn.trey@epa.gov]; Bowman,
Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Wed 8/30/2017 5:24:03 PM
Subject: final includes MS
Multi-State Fuel Waiver.8.30.17.pdf

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Tue 8/1/2017 2:18:56 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

Your Vch VCH148242 was just stamped VOUCHER APPROVED by
FITZPATRICK, SAMUEL C.

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□

To: Traylor, Patrick[traylor.patrick@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Brown, Samuel L.
Sent: Tue 8/15/2017 3:02:06 AM
Subject: RE: Environmental Law Institute | Speaker Invitation

Hi Patrick,

Of course.

In terms of the panel's format, I think we have two options: (1) each of you speaks on a topic(s) with a slide deck and we leave 15 minutes at the end for Q&A; or (2) I prepare a list of questions on relevant topics and I ask each of you questions in a more informal conversation format. In my experience, I enjoy moderating panels that use the latter format. Using that format I think we can convey the same information, but the panels tend to be more interesting, with increased audience attention. That being said, I defer to your preference, either way works for me.

In terms of substance, the working title of the panel is: *EPA Regulatory Reform and Enforcement Trends: What Does the Future Hold?* Bottom line, I think most people outside the Agency are curious about the change(s) in direction of this EPA from the prior Administration on certain subject matter and the practical implications. For example, for this panel, in the context of enforcement, what are EPA's enforcement priorities; are there plans to modify the existing NEIs; what is the fate of the prior administration's focus on next generation compliance; etc. In the context of policy/regulatory reform, EPA's thoughts on the comments received as part of the regulatory reform efforts per Exec. Order 13777; what action item(s) have resulted/will result; thoughts on reform on how EPA conducts rulemaking/considers science; are there any planned organizational/institutional reforms; and, generally, an update on the priorities of the Trump Administration and Administrator Pruitt.

Bottom line is folks would love to hear from both of you, and the scope of the subject matter covered should only be what you're comfortable covering, so we can tailor the subject matter to fit your preferences. For example, if we use the latter format above, I would draft a set of questions and then have you screen them for sensitive subject matter that you don't want to cover as part of the panel and conversation.

In terms of the ELI event, other panels will cover (i) waters of the United States; (ii) citizen suits; (iii) State implementation: issues and opportunities; (iv) emerging issues in water quality; (v) stormwater and eNGO-related litigation; (vi) water transfers and the Second Circuit opinion;

among other issues. There are other confirmed and invited EPA speakers (from OGC, OW, and Regions), other federal agencies (*e.g.*, Corps), and state agencies (*e.g.*, Ben Grumbles, Maryland, Secretary of the Environment; Michael Lauffer, Chief Counsel, California State Water Resources Control Board; Tom Johnson, Solicitor General, West Virginia; and Basil Seggos, Commissioner, New York State, Department of Environmental Conservation), in addition to the private sector and academia.

I hope that gives you a better sense of the panel and the event. Please let me know if you have additional question or if you'd like to chat on the phone. I hope it works out that you're both able to participate and I look forward to working with you.

Samantha, FYI, my colleagues Rod Hastie and Joe Stanko were going to extend the invitation to you. After speaking with Rod, it appears they had not reached out yet, so I apologize if this conversation is coming out of the blue.

Thanks! – Sam

HUNTON & WILLIAMS **Samuel Brown**

Senior Attorney

slbrown@hunton.com

p 415.975.3714

f 415.975.3775

[bio](#) | [vCard](#)

Hunton & Williams LLP
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San Francisco, CA 94105

hunton.com

From: Traylor, Patrick [mailto:traylor.patrick@epa.gov]

Sent: Monday, August 14, 2017 4:57 PM

To: Brown, Samuel L.
Cc: Dravis, Samantha
Subject: RE: Environmental Law Institute | Speaker Invitation

Sam:

Would you mind giving us some more information on how you'd like the panel to work and what you might want us to cover?

Best,

Patrick

Patrick Traylor

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

(202) 809-8796 (cell)

From: Brown, Samuel L. [<mailto:SlBrown@hunton.com>]

Sent: Monday, August 14, 2017 12:18 PM

To: Traylor, Patrick <traylor.patrick@epa.gov>

Subject: Environmental Law Institute | Speaker Invitation

Hi Patrick,

I am reaching out because I am helping to plan the Environmental Law Institute's (ELI)

conference on the Clean Water Act (CWA) on December 4-5 in Washington D.C. ELI sponsors this event every year and I've been involved for some time. It is for private and public sector professionals experienced in the CWA (not an introductory-level conference).

I am putting together a panel on *EPA Regulatory Reform and Enforcement Trends: What Does the Future Hold?* I was hoping you could join this panel on Monday, December 4. I will be the moderator. The other folks invited to the panel are:

- Samantha Dravis, AA, EPA Office of Policy.
- Mark Ryan, Ryan and Kuchler (former EPA attorney for 25+ years).

It would be great if you could join the panel to discuss enforcement. Please let me know if you have any questions or would like more information on the event.

Thanks! – Sam



Samuel Brown

Senior Attorney

slbrown@hunton.com

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f 415.975.3775

[bio](#) | [vCard](#)

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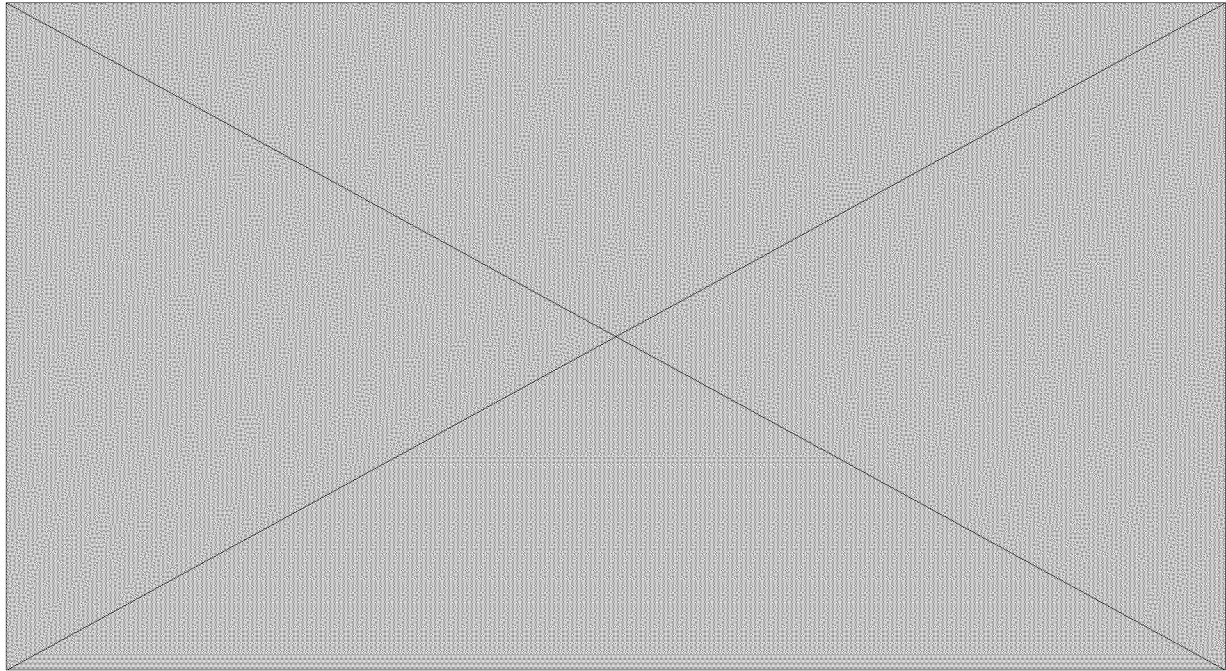
hunton.com

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Karen Harbert
Sent: Tue 10/24/2017 7:11:12 PM
Subject: Just In - New Energy Policy Tracker

Dear Samantha:

As the Trump Administration moves forward with an ambitious energy and environmental reform agenda, the U.S. Chamber's Global Energy Institute and the law firm Beveridge & Diamond have launched a comprehensive Energy Tracker to help follow key regulatory, judicial, and legislative developments.

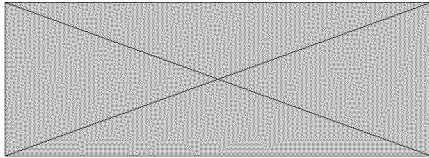
The Tracker is intended to serve as a user-friendly clearinghouse for monitoring key Executive Branch, regulatory, judicial, and legislative developments through a filterable and sortable database of energy-related federal actions tracked by date, agency, topic, and specific issue area.



Whether you're curious about the status of a specific Environmental Protection Agency lawsuit or want to browse Department of Interior actions on land management and leasing, the Tracker provides comprehensive, objective, "just-the-facts" answers to your energy policy and litigation questions.

Please visit the Energy Tracker and sign up to stay informed on the latest changes to American energy policy.

Sincerely,



Karen A. Harbert
President and CEO
Global Energy Institute
U.S. Chamber of Commerce

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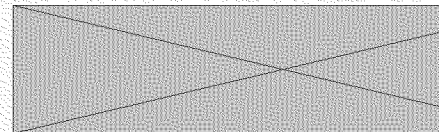
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[Washington, DC | 20062 US](#)

[This email was sent to dravis.samantha@epa.gov.](#)

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To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Thompson, Ryan
Sent: Wed 12/6/2017 3:13:28 PM
Subject: Thank you!

Sam, Brittany and Alex,
Thank you all very much for taking the time to meet with Nate, Abby and Chris yesterday from American Airlines - we are very grateful for your time yesterday. I am glad we were able to discuss American's Oklahoma footprint in the meeting in addition to the original topic. Please let me know how we can be helpful going forward and thank you all again.

Mandy, I am sorry we missed you, but we know you were up to important work elsewhere!
Thanks to you and Alex for helping set the meeting originally.

All the best,

Ryan

Ryan Day Thompson

AKIN GUMP STRAUSS HAUER & FELD LLP

Mobile: 202.236.7885 | thompsonr@akingump.com | akingump.com | [Bio](#)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Marie Sanderson
Sent: Mon 10/16/2017 1:38:41 PM
Subject: FW: EEI
2017 External Affairs Draft Agenda_Public BV.DOCX

Hey good morning, the EEI guys wanted to call to gauge your avail on this. I told them you were reviewing and to hold off contacting me. Will you let me know your thoughts when able? Best,
Marie

From: Marie Sanderson
Sent: Friday, October 13, 2017 4:07 PM
To: 'Dravis.samantha@epa.gov' <Dravis.samantha@epa.gov>
Subject: EEI

Sam- per our conversation- please see attachd? The panel in discussion is Wednesday morning.
Happy to discuss audience etc!

Best,

Marie

Tuesday, October 24, 2017		
Time	Title and Draft Description	Speakers TBD
11:30 – 12:10 p.m.	Buffet Lunch and Networking Opportunity	
12:15 – 12:30 p.m.	Welcome and Industry Perspective EEI President Tom Kuhn will kick-off the meeting, offering his thoughts on the industry's ongoing transformation and the steps we are taking to shape and create positive change.	
12:30 – 1:30 p.m.	The Next EEI Initiatives Brian Wolff will discuss RAP Index, one of EEI's newest tools and resources for members to engage their employees by utilizing relationship mapping to find new opportunities for engaging stakeholders	
1:35 - 1:45 p.m.	Break and Networking Opportunity	
1:45 – 2:45 p.m.	Smart City Initiatives Smart communities are built on smarter energy infrastructure and leverage the power of data and technology to improve sustainability, spur economic development, help drive efficiencies, and enhance the overall quality of life for their citizens. While electric companies are not the only players in the smart community movement, we play an integral role in connecting communities. This session will highlight EEI	

	member company leadership in the smart community space and feature the new EEI Smart Community Commitment.	
2:45 – 4:00 p.m.	Modernizing the Electric Power Grid Across the country, EEI members are working with their state officials to modernize the electric power grid. This session will highlight this action across the country and EEI's work on helping members.	
4:00 – 4:15 p.m.	Break and Networking Opportunity	
4:15 – 5:15 p.m.	Effective Local and Community Engagement This session will feature EEI member company representatives and others who have successfully dealt with local opposition, city/county resolutions, and other policy issues with city/county commissioners/supervisors. Speakers will share lessons learned and effective tools for engagement.	
5:15 – 6:00 p.m.	EEI Hosted Reception	
6:30 p.m.	EEI Hosted Dinner Meeting attendees and Washington Representatives are invited to join us for dinner at Bar Deco. This restaurant is located at 660 North Capitol St. NW, an eight minute drive or eighteen minute walk from EEI's offices. RSVP to events@eei.org by	Bar Deco 717 6 th St NW Washington, DC

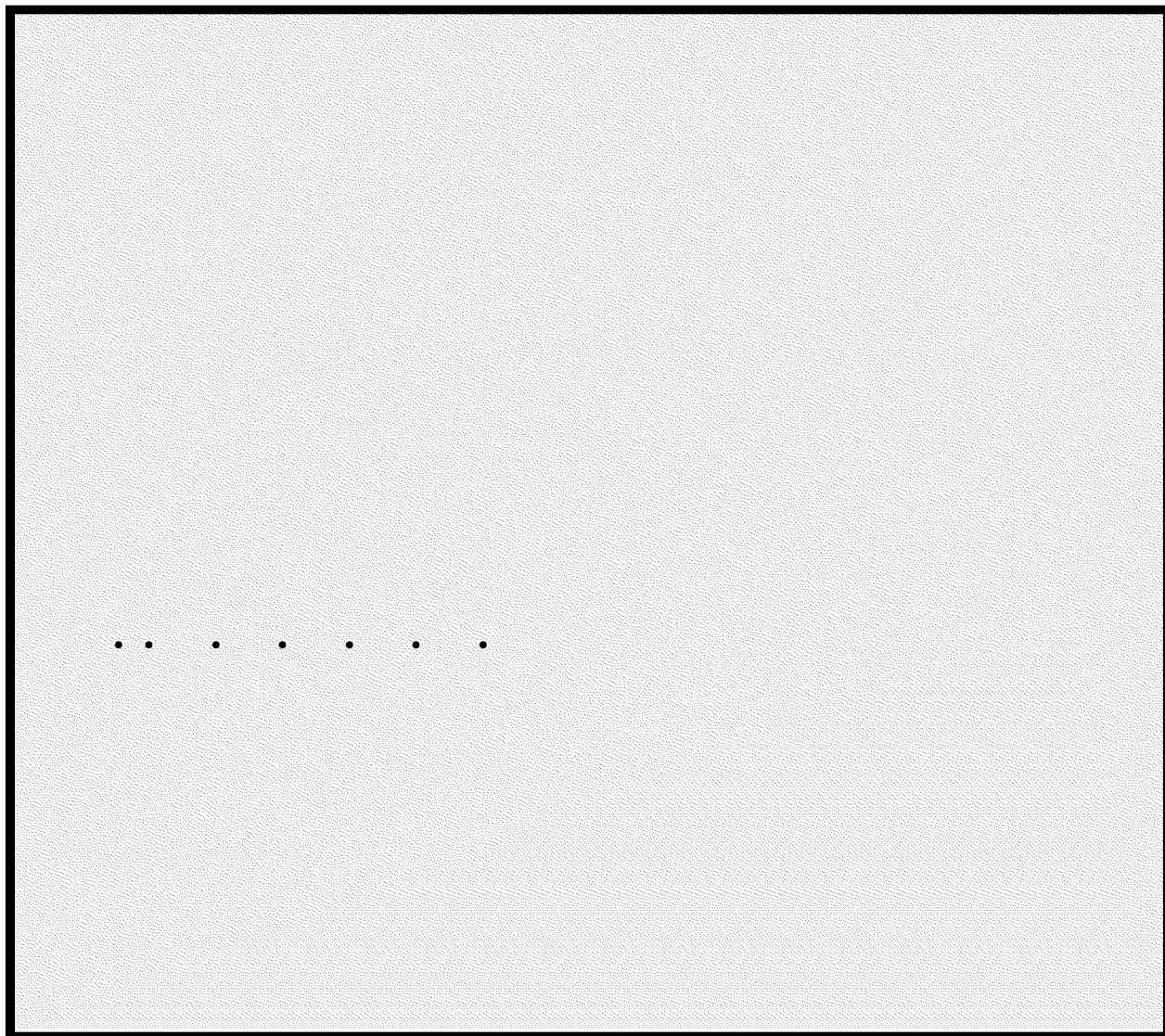
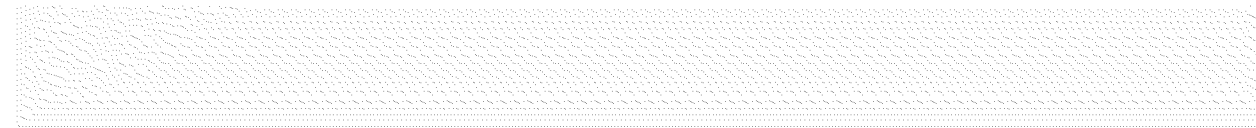
	Monday, October 23, is requested and greatly appreciated.	
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Wednesday, October 25, 2017		
7:45 a.m.	Buffet Breakfast and Networking	
8:30 – 9:15 a.m.	The administration’s environmental priorities	
9:15– 10:45 a.m.	Energy Infrastructure Challenges and Opportunities Across the country, energy infrastructure is being built and projects often draw significant opposition from communities and advocacy groups. Members will share how they educated key stakeholders about the value of these infrastructure investments and share some of the tools and tactics they used to be successful.	
10:45 – 11:00 a.m.	Break and Networking Opportunity	
11:35 – 12:15 a.m.	Defining the New Lines of the Electric Power Industry EEI’s version of a hack-a-thon. Member companies will share some of the key challenges they are facing in their state. After a brief description, the audience members will become the experts offering	

	innovative solutions in a white-boarding exercise aimed at leveraging the experts in the room.	
12:15 – 12:45 p.m. (Lunch and Learn)	Buffet Lunch Available	
12:45 – 2:00 p.m.	Tying it Altogether: Messaging and Communicating to Key Stakeholders	Phillip Morris, Vice President, Luntz Global
2:0 p.m.	Adjourn	

DRAFT

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Flywheel FOCUS
Sent: Tue 7/11/2017 8:08:56 PM
Subject: Flywheel FOCUS: FY 2018 State Budgets (NY, ND, OK, CA, VA)



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[REDACTED]

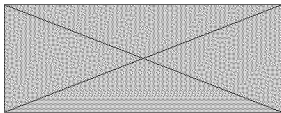
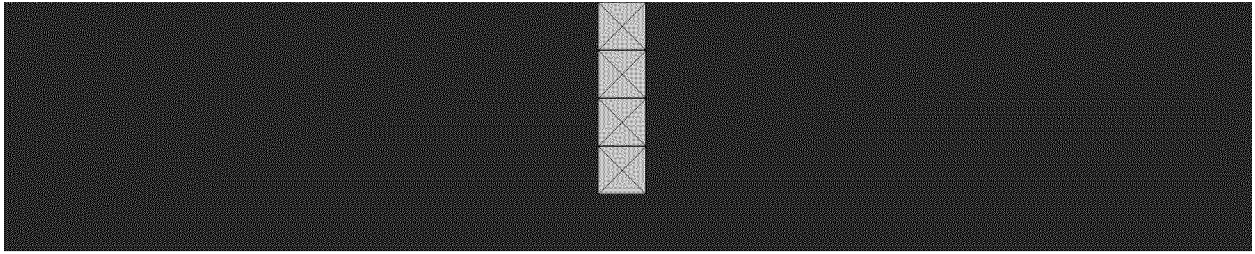
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[REDACTED]

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[REDACTED]

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To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Danielle Ivory[Danielle.Ivory@NYTimes.com]
From: Robert Faturechi
Sent: Thur 6/22/2017 5:55:20 PM
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

That would be great. Thanks so much Liz. We have a prior commitment at 6pm today, but otherwise are free. Just let us know what works for you.

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, June 22, 2017 1:49 PM
To: Robert Faturechi
Cc: Dravis, Samantha
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Robert – I talked with Samantha, and we can walk you through her calendar over the phone, so that she can transparently and openly let you know about each meeting she has held with outside organizations (as we are assuming you aren't interested in each staff meeting, etc.). Let us know what time you are available for this call.

Thank you, Liz

From: Bowman, Liz
Sent: Thursday, June 22, 2017 11:24 AM
To: 'Robert Faturechi' <Robert.Faturechi@propublica.org>
Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Well, I am sorry, but I don't know them either. If you or your research department provide me a list, I would be happy to take that list to her calendar and let you know.

From: Robert Faturechi [mailto:Robert.Faturechi@propublica.org]
Sent: Thursday, June 22, 2017 10:50 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>

Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Thanks for this also Liz. But the problem here is I don't know who the donors are for the Rule of Law Defense Fund, which Ms. Dravis led. The group is not required to disclose its donors.

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]
Sent: Thursday, June 22, 2017 10:29 AM
To: Robert Faturechi
Cc: Danielle Ivory
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Robert – I just sent you confirmation from our ethics counsel, to confirm the information is correct and accurate.

With regard to Samantha's schedule...I don't know who all the RAGA and Freedom Partners funders are, so if you send me a list, I will compare that with Samantha's calendar and then let you know, which, if any, of those she has met with.

Thanks again – Liz

From: Bowman, Liz
Sent: Wednesday, June 21, 2017 10:21 PM
To: Robert Faturechi <Robert.Faturechi@propublica.org>
Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

As discussed, if you will only use this information if I say that you can attribute it directly to me, than ok. It is important that your readers have all the facts. I ask that you use it in full and don't splice it or take it out of context and that you use the full "on the record quote" from my email. I emailed our ethics counsel, but she is probably asleep (or at least hopefully not working this late), to ask that she is okay with you using the information from her attributed to "EPA ethics counsel." I will let you know when I hear back from her. Thanks - Liz

Sent from my iPhone

On Jun 21, 2017, at 9:08 PM, Robert Faturechi <Robert.Faturechi@propublica.org> wrote:

Thanks Liz. As I mentioned in the initial email, we are treating anything you send to us in response to our questions as on the record, unless both sides agreed beforehand to go on background. As a courtesy, we will leave what you wrote under the header "On background" below as on background, but unless you agree to put it on the record, we can't use it and have to say you declined to comment about whether Ms. Dravis has met with her former employers or their funders, and whether Mr. Brown has recused himself. Can you put that all on the record? Also, can you address whether Ms. Dravis has met with the *funders* of her previous employers? If you can't put that on the record, providing us with documents that reflect those assertions (i.e. Ms. Dravis' calendars, or Mr. Brown's recusal letter) could be usable too.

From: Bowman, Liz [<mailto:Liz@epa.gov>]

Sent: Tuesday, June 20, 2017 7:04 PM

To: Robert Faturechi

Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Off the record: We have sought to be transparent with you in this article are under the impression that you are only going to print accurate, factual information. Below, please find a statement that we are offering for the record, followed by some additional background information that we hope you will use to inform your article. Thank you – Liz

On the record: "We take our ethics responsibilities seriously; all political staff have had an ethics briefing and know their obligations. Each of us has committed to serve in a fair and professional way." – Liz Bowman, EPA spokesperson

On Background:

Ms. Dravis has had **no** meetings with her former employers, RAGA or Freedom Partners. She is complying with the advice of Agency ethics counsel on her ethics obligations, and she has signed the ethics pledge.

We are working very hard to get back to people who submit FOIAs. Each FOIA EPA receives is managed and responded to by a team of professional career employees. EPA's

director of the FOIA team explains that “In all situations, it is EPA’s goal to respond to all requests as expeditiously as possible.”

EPA's ethics office confirms that all Regulatory Reform Task Force Members have received ethics training: “As ethics questions have arisen or been raised, they have consulted with EPA ethics promptly and abided by the counsel provided to them.”

EPA ethics is aware of Mr. Brown’s spouse's employment and he has properly recused from participation in particular matters that affect that company as a specific party and as a member of an affected class. As he has met his ethical obligations through recusal, he did not need any other determination, including consideration of a waiver.

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Tuesday, June 20, 2017 10:09 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just tried you. I'm at 2132717217

Sent from my iPhone

On Jun 20, 2017, at 9:25 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Can you please give me a call at 202-564-3293?

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Monday, June 19, 2017 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Ivory, Danielle <danielle.ivory@nytimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just making sure the questions below were received. Please let us know, and thanks.

From: Robert Faturechi
Sent: Friday, June 16, 2017 5:12 PM
To: 'Bowman, Liz'
Cc: 'Ivory, Danielle'
Subject: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Liz,

As you know, Danielle Ivory and I are working on a story for The New York Times and ProPublica about the regulatory reform task forces that have been created at several major agencies, based on President Trump's executive order. Through interviews, public records and Freedom of Information Act requests, we have identified many of the members of these task forces and have found that some may be reviewing regulations that, in their previous jobs, they worked to weaken or eliminate entirely.

We were hoping to ask you some questions ahead of our story publishing. Our deadline is Wednesday, June 21, at noon EST. We hope we will hear from you. If it would be easier to chat by phone please don't hesitate to call. Also, please note that we are requesting this information fully on the record, so that we can fully include your thoughts in the story. If something in particular needs to be on background, we are happy to discuss that with you, but please be advised that, otherwise, our conversations will be on the record.

-Our understanding is that Samantha Dravis, Ryan Jackson, Byron Brown and Brittany Bolen are on your regulatory reform task force. Can you provide us with the names of anyone else assigned to the task force?

-Has the task force identified any regulations yet that might be revised or eliminated? If so, which ones?

-As I mentioned before, we are stating in the story that EPA has thus far refused to disclose the calendar for task force chair Samantha Dravis through FOIA, even as an agency spokeswoman advised us we could get the calendar through FOIA. We also state that Ms. Dravis is a former top official for an industry-funded political group, that she is meeting privately with industry stakeholders, and that the agency is declining to say whether she has discussed regulations to eliminate with any of her previous employers or their funders. We mention Ms. Dravis' post at the the Republican Attorneys General Association, and her tenure as president of its Rule of Law Defense Fund, which brought together energy companies and Republican attorneys general working together to file lawsuits against the federal government over Obama-era environmental regulations. We also mention she worked for Freedom Partners. Will Ms. Dravis' prior employment working for industry-funded groups in any way affect her decision making while at EPA? Outside of agency comment, is there anything Ms. Dravis would like to respond to or add directly?

-Our reporting found that another task force appointee, Byron Brown, is married to Lesley Schaaff, a senior government affairs manager for Hess Corporation who has lobbied the EPA directly. (The company was penalized more than \$45 million by the EPA because of alleged Clean Air Act violations at its refinery in Port Reading, New Jersey.) Has or will Mr. Brown recuse himself from evaluating regulations affecting Hess? Has he received a waiver to work on such issues? Is it a conflict for him to work on such issues? Does he or his wife own any stake in Hess? Schaaff is also a member of the natural gas subcommittee for the American Petroleum Institute, which has lobbied the EPA's regulatory reform task force to ease natural gas rules including on methane emissions. Will Mr. Brown be recusing himself from issues relating to the American Petroleum Institute? Has he received a waiver to work on such issues? Outside of agency comment, would Mr. Brown like to comment on any of these issues directly?

-According to OGE records, none of the task force members have been issued waivers to deal with issues that they recently worked on in the private sector. Have any task force members recused themselves from dealing with any companies or issues and, if so, please elaborate.

-We plan to report that Ryan Jackson was a longtime aide to Sen. Jim Inhofe. How will his prior employment affect his decision making while at EPA? Outside of agency comment, is there anything he would like to respond to or add directly?

-We plan to report that Brittany Bolen was Majority Counsel for the Senate Environment and Public Works Committee (which was chaired by Mr. Inhofe). How will her prior employment affect her decision making while at EPA? Outside of agency comment, is there anything she would like to respond to or add directly?

Thanks,

Robert and Danielle

Robert Faturechi

Reporter, ProPublica

Desk: 917-512-0216

Cell: 213-271-7217

robert.faturechi@propublica.org

To: Elam Harden, Sonya[sonya.elam@alcoa.com]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Bennett, Tate
Sent: Fri 8/4/2017 9:20:12 PM
Subject: Re: Liberty Mine tour

adding Robin!

Sent from my iPhone

On Aug 4, 2017, at 2:37 PM, Elam Harden, Sonya <sonya.elam@alcoa.com> wrote:

Samantha...is there a time that works best for you? I can set up the call for Monday.

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Thursday, August 03, 2017 11:15 AM
To: Elam Harden, Sonya <sonya.elam@alcoa.com>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: EXT: Re: Liberty Mine tour

Thank you, Sonya. Let's set up a call to discuss if you don't mind. Does Monday work for you?

On Aug 3, 2017, at 8:36 AM, Elam Harden, Sonya <sonya.elam@alcoa.com> wrote:

Samantha and Tate,

It was a pleasure meeting you both yesterday at the Liberty Mine near Evansville, Indiana. I hope you both made it back home safely. We appreciate you and Administrator Pruitt taking the time out of your very hectic schedules to visit a site that is important to Alcoa and its continued operation in the state.

As we briefly discussed, we are interested in talking further with you about EPA Region V's intent to classify Warrick County as non-attainment for SO₂, based on an outdated Sierra Club model. We understand they intend to send the 120-day letter to

Governor Holcomb by Aug. 14, notifying the State of EPA's intent to modify the attainment status recommended by Indiana's Dept. of Environmental Management.

We are happy to have our environmental team share with EPA why we believe our model, based on real data, is more accurate and reflective of what SO2 emissions we can expect from our aluminum smelter operation. I would appreciate your guidance on how we can best move forward to find a reasonable solution. I will be in DC the week of Aug. 14, and happy to schedule a meeting to discuss.

Thanks again for your visit to the mine, and your offer of support.

All the best,

Sonya

Sonya Elam Harden

Vice President, Government Affairs – Western Hemisphere

Alcoa Corporation
Mobile +01 864 357 1258 | sonya.harden@alcoa.com | www.alcoa.com

<image003.png>

To: Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: 'Warner, Elizabeth'[elizabeth.warner@santecooper.com]
From: Stephen Fotis
Sent: Thur 7/27/2017 8:49:50 PM
Subject: RE: [EXTERNAL SENDER] RE: Call

Great. What number is best to call?

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Brown, Byron [mailto:brown.byron@epa.gov]
Sent: Thursday, July 27, 2017 4:48 PM
To: Stephen Fotis; Dravis, Samantha; Greenwalt, Sarah
Cc: 'Warner, Elizabeth'
Subject: RE: [EXTERNAL SENDER] RE: Call

I am free to talk as well.

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Thursday, July 27, 2017 4:27 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: 'Warner, Elizabeth' <elizabeth.warner@santecooper.com>; Brown, Byron

<brown.byron@epa.gov>

Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha – That works for me. Unfortunately, it doesn't work for Elizabeth Warner, but she has asked that I go ahead without her. I have a conference call at 5:30 PM today, but am available anytime up to that time.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Thursday, July 27, 2017 4:15 PM
To: Stephen Fotis; Greenwalt, Sarah
Cc: 'Warner, Elizabeth'; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Is it possible to try and talk today? I have some time now until 6pm.

From: Stephen Fotis [<mailto:scf@vnf.com>]
Sent: Thursday, July 27, 2017 4:07 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: 'Warner, Elizabeth' <elizabeth.warner@santecooper.com>; Brown, Byron

<brown.byron@epa.gov>

Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha and Byron – I know how busy you both must be, but wanted to see if we can find a time when we could briefly talk about CCRs – as follow up to Santee Cooper’s conversation with Administrator Pruitt last Monday in South Carolina. The following times would work for me and Elizabeth Warner of Santee Cooper early next week: Monday, July 31 from 2 to 5 PM, and Tuesday, anytime except from 10 AM to 12 noon. Please let us know if any of those times work for your schedules.

Many thanks,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Stephen Fotis
Sent: Tuesday, July 25, 2017 11:26 AM
To: 'Dravis, Samantha'; Greenwalt, Sarah
Cc: Warner, Elizabeth; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Thanks Sarah. Samantha please let us know when it is convenient to follow up with you and Byron on the CCR issues.

Best,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Tuesday, July 25, 2017 11:24 AM
To: Greenwalt, Sarah
Cc: Stephen Fotis; Warner, Elizabeth; Brown, Byron
Subject: Re: [EXTERNAL SENDER] RE: Call

Oh ok! No problem

Sent from my iPhone

On Jul 25, 2017, at 11:23 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Sam, sorry for the confusion, but this call at 11 was to discuss something raised at our meeting the other day, not CCR. I think Stephen will be working to set up a separate call on CCR with you and Byron.

Sent from my iPhone

On Jul 25, 2017, at 11:04 AM, Stephen Fotis <scf@vnf.com> wrote:

That is fine. Why don't you call my number – 202 298-1908.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]
Sent: Tuesday, July 25, 2017 11:02 AM
To: Warner, Elizabeth
Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha
Subject: Re: [EXTERNAL SENDER] RE: Call

I am running a few minutes behind at another meeting. Sorry, if you'll give me 5 minutes that would be great.

Sent from my iPhone

On Jul 24, 2017, at 6:49 PM, Warner, Elizabeth
<elizabeth.warner@santeecooper.com> wrote:

Sarah,

11 a.m. suits Stephen and me. Should we call your office?

Thanks also for the opportunity to talk with Byron and Samantha. Stephen is coordinating getting in touch with them quickly to share information.

Thanks,

Babs

Elizabeth Henry Warner

Vice President Legal Services and

Corporate Secretary

Santee Cooper

(843) 761-7044

ehwarner@santeecooper.com

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]

Sent: Monday, July 24, 2017 6:08 PM

To: Warner, Elizabeth

Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha

Subject: [EXTERNAL SENDER] RE: Call

WARNING: This e-mail is from an external sender. Use caution when opening attachments and clicking links.

Thank you Elizabeth! It was a very productive meeting. I'm cc'ing Byron Brown and Samantha Dravis who are very familiar with CCR. If you would please communicate to them what you were sharing with the Administrator today, that would be very helpful.

As of now, I'm free from 11-11:30 and 3:00-3:45 to discuss the other.

Thanks!

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Warner, Elizabeth [<mailto:elizabeth.warner@santeecooper.com>]

Sent: Monday, July 24, 2017 2:09 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Stephen Fotis <scf@vnf.com>

Subject: Call

Sarah,

Very nice to meet you today. Thanks for all the work you have been doing on water issues for EPA. Stephen Fotis and I are available for a call re ELG anytime tomorrow. Stephen is very familiar with the issues we discussed. We look forward to hearing from you.

Thanks,

Babs

Elizabeth Henry Warner
Vice President Legal Services and
Corporate Secretary
Santee Cooper
(843) 761-7044

ehwarner@santecooper.com

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Munoz, Darrin R.
Sent: Tue 7/18/2017 1:23:03 PM
Subject: Part 192 Extension

Hi Samantha,

Do you know the reason behind extending the comment period for 40 CFR Part 192 that was just announced? Thanks.

Darrin R. Munoz

Director

darrin.munoz@FaegreBD.com [Download vCard](#)

D: +1 202 312 7468

Faegre Baker Daniels LLP

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

To: Michael Catanzaro[Michael.J.Catanzaro@who.eop.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Rohan Patel[rohpatel@tesla.com];
jmendelson@tesla.com[jmendelson@tesla.com]
From: Bolen, Brittany
Sent: Thur 9/7/2017 11:41:43 PM
Subject: Intro - Tesla

Hi Mike -

I wanted to introduce you to Joe Mendelson and Rohan Patel with Tesla. They met with us a few weeks ago and previously met with James Owens at DOT. I know they would like to connect with you, too.

Best,
Brittany

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Lisa Spies
Sent: Tue 6/13/2017 8:58:46 PM
Subject: FINALLY doing the event I told you about when

I saw you at Trump – it has taken me this long to get it all together – some dates I want to run by you:

July 20th

August 1

August 2

Are you in town these dates? We (RIGHT NOW) would want you for our panel (4:30) and/or the reception at 6:00 ish!

SO EXCITED to be doing this!!!

Lisa Spies

President, The LS Group

ph: 202-744-7373 fax: 202-747-5777

www.TheLSgroup.com

“There are two things that are important in politics. The first is money, and I can’t remember what the second one is.”

- Mark Hanna, Chairman of the RNC, 1895

To: Atkinson, Emily[Atkinson.Emily@epa.gov]
Cc: Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: David Schwietert
Sent: Wed 11/22/2017 7:42:34 PM
Subject: Re: Auto Alliance Board Invitation for Bill Wehrum

Thanks Emily. That's great news and I will work to get the completed form back to you

Hope you have a nice Thanksgiving

Dave

On Nov 22, 2017, at 2:14 PM, Atkinson, Emily <Atkinson.Emily@epa.gov> wrote:

Hi Dave,

Bill Wehrum has reviewed this request and asked that I arrange his participation in the Auto Alliance Board meeting. It looks like you are wanting to have him participate on Thursday, December 7, 2017 from 10:00 – 11:00am. I will hold this time slot on his calendar for now.

Please fill out the attached event form and return it to me no later than Friday, December 1.

Thank you.

Emily

Emily Atkinson
Management Analyst/Office Manager

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850

Email: atkinson.emily@epa.gov

From: "David Schwietert" <DSchwietert@autoalliance.org>
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Subject: RE: re: Auto Alliance Board Invitation for Bill Wehrum

Mandy, Samantha, and Brittany,

I know it's only been a week since I transmitted an invite request for Assistant Administrator Wehrum to join our upcoming Board meeting but I thought I'd circle back with the three of you to see if you thought that might be feasible since the 12/7 meeting is just around the corner.

I hope you and the Assistant Administrator can see the benefit of sitting down with our board members, along with Mike Catanzaro that morning.

Happy to talk in more detail if you have time today or tomorrow. Alternatively, if this is just too complicated to give a definitive answer, I'm happy to follow up next Monday depending on your travel plans with Thanksgiving.

Thanks so much!

Dave

202-680-3150

From: David Schwietert
Sent: Tuesday, November 14, 2017 12:42 PM
To: Samantha Dravis <dravis.samantha@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>
Subject: FW: re: Auto Alliance Board Invitation for Bill Wehrum

Samantha and Brittany,

I intended to copy you on my email below to Mandy a few minutes ago.

Wanted to flag this invitation for your awareness.

Thanks!

Dave

From: David Schwietert

Sent: Tuesday, November 14, 2017 12:40 PM

To: 'gunasekara.mandy@epa.gov' <gunasekara.mandy@epa.gov>

Subject: re: Auto Alliance Board Invitation for Bill Wehrum

Mandy,

Attached is a formal invitation Assistant Administrator Bill Wehrum to attend a portion of the Auto Alliance Board Meeting here in Washington D.C. on the morning of Thursday, December 7th

Mike Catanzaro is confirmed to join our meeting around 10:00 AM and we felt it would be great to have the Assistant Administrator join us as well.

I wanted to flag this for you and I'm happy to provide any additional information. I'm also happy to route the request to others within EPA if necessary.

So far, the Board has confirmed meetings with various Administration officials on December 7th –Deputy DOT Secretary Rosen and we're awaiting confirmations from NHTSA Deputy Administrator King and DOT Undersecretary for Policy, Derek Kan. Senate Majority Leader McConnell is also confirmed to meet with our Board.

We've appreciated the EPA Administrator's willingness to spend time with our Board during their April meeting and with Assistant Administrator Wehrum's swearing in this week and direct involvement in key issues impacting the auto sector (mid term review) we felt our board meeting next month might be a nice way for us to underscore the important work that's underway between EPA, DOT, and CA to preserve One National Program for vehicle fuel economy standards.

Let me know if I can answer any questions.

Thanks!

Dave

David Schwietert

Executive Vice President, Federal Government Relations & Public Policy

P: 202-326-5521 | dschwietert@autoalliance.org

<Bill Wehrum Board Invitation Letter Signed 11142017.pdf>

<Bill Wehrum Event Form AA.DOCX>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Noel Jancewicz
Sent: Wed 8/30/2017 4:57:10 PM
Subject: FedRAMP Authorization - DocuSign

Hi Samantha,

My name is Noel, and I support the U.S. Environmental Protection Agency here at DocuSign. I wanted to reach out based on your position as Senior Counsel and Associate Administrator for Policy.

I wanted to schedule time on your calendar to discuss the following:

- How DocuSign can provide the U.S. Environmental Protection Agency value by streamlining document processes
- DocuSign's recent FedRAMP authorization and what that means for government entities
- How we are transforming how contracts are sent, signed and managed

What's the best time for us to discuss this week or early next week?

Best,

Noel Jancewicz | DocuSign
m: 609.375.6288 | DocuSign.com

If you'd like me to stop sending you emails, please [click here](#)

To: Myron Ebell[Myron.Ebell@cei.org]
From: Myron Ebell
Sent: Mon 7/24/2017 3:36:21 PM
Subject: Cooler Heads Coalition announcements and events

The Cooler Heads Coalition will not meet in August.

Three items of interest:

- 1) Press release on a new study on surface temperature data and the Endangerment Finding—pasted below.
- 2) The Environmental Protection Agency is holding a public hearing on its [proposed volume requirements](#) for the Renewable Fuel Standard in Washington, DC, on 1st August. People who wish to testify in person must sign up by 25th August [here](#). Questions may be sent to macallister.julia@epa.gov. The EPA is also accepting written statements. I can send briefing points to anyone interested in testifying or submitting a statement.
- 3) AEI is holding yet another event on Wednesday at 3 PM to promote the Whitehouse-Schatz carbon tax bill. I have pasted the invitation below. I'm one of the panelists, so I hope you'll be able to attend! Rsvp or watch online [here](#).

American Enterprise Institute

Carbon taxes: A problem or a solution?

Remarks from Sen. Sheldon Whitehouse (D-RI) and Sen. Brian Schatz (D-HI)

Wednesday, July 26, 2017 | 3:00 pm - 4:30 pm

RSVP or watch online at <http://www.aei.org/events/carbon-taxes-a-problem-or-a-solution-remarks-from-sen-sheldon-whitehouse-d-ri-and-sen-brian-schatz-d-hi/>



The debate over whether the US should implement a carbon tax is both highly important and highly controversial. Supporters of a carbon tax argue that it would be the most efficient way of addressing climate change and implementing broader fiscal reform, while opponents suggest it would harm the economy and have almost no effect on the climate.

Please join AEI at this event assessing the merits and pitfalls of a US carbon tax. Senators Sheldon Whitehouse (D-RI) and Brian Schatz (D-HI) will unveil their own carbon tax proposal, and panelists will debate the implications of such a proposal.

Join the conversation on social media by following @AEI and @AEIecon on Twitter and Facebook.

If you are unable to attend, we welcome you to watch the event live on this page. Full video will be posted within 24 hours.

Agenda

2:45 PM
Registration

3:00 PM
Introduction:
Aparna Mathur, AEI

3:05 PM
Keynote address:
Sheldon Whitehouse, US Senate (D-RI)

3:15 PM
Keynote address:
Brian Schatz, US Senate (D-HI)

3:25 PM
Q&A

3:45 PM
Panel discussion

Participants:
Veronique de Rugy, Mercatus Center
Myron Ebell, Competitive Enterprise Institute
George Frampton, Partnership for Responsible Growth
Adele Morris, Brookings Institution

Moderator:
Aparna Mathur, AEI

4:15 PM
Q&A

4:30 PM
Adjournment

Event Contact Information

For more information, please contact Isabelle Staff at Isabelle.staff@aei.org, 202.862.5885

Media Contact Information

For media inquiries or to register a camera crew, please contact MediaServices@aei.org, 202.862.5829

PRESS RELEASE

Electricity Consumers File New Study in Their Call for EPA to Reopen its Endangerment Finding

Key Points:

- 1. Just Released, new research findings demonstrate that adjustments by government agencies to the global average surface temperature (GAST) record render that record totally inconsistent with published credible temperature data sets and useless for any policy purpose.**
- 2. The new results invalidate the claims based on GAST data of “record warming” in recent years, and thereby also invalidate the so-called “lines of evidence” on which EPA claimed to base its 2009 CO₂ Endangerment Finding.**
- 3. If the Endangerment Finding is not vacated, whether the current administration likes it or not, it is certain that electric utility, automotive and many other industries will face ongoing EPA CO₂ regulation.**
- 4. This scientifically illiterate regulation will raise U.S. energy prices thereby reducing economic growth and jobs.**

July 24, 2017

The Concerned Household Electricity Consumers Council announces that on July 6, 2017 it filed with EPA a Second Supplement to the Council’s January 20, 2017 Petition asking the Agency to reconsider the scientifically invalid Endangerment Finding on which all Obama-era greenhouse gas regulations are based. The Second Supplement to Petition may be found at:
<https://thsresearch.files.wordpress.com/2017/07/ef-gast-data-secondsupplementtopetitionfinal.pdf>

The Council’s original Petition (*see* <https://thsresearch.files.wordpress.com/2017/04/ef-epa-petitionforreconsiderationof-ef-final-1.pdf>) and First Supplement to Petition (*see* <https://thsresearch.files.wordpress.com/2017/05/ef-checc-suppl-pfr-of-ef-050817-final.pdf>) demonstrated that the Endangerment Finding is nothing more than assumptions that have each been disproved by the most relevant empirical evidence from the real world. The original Petition was substantially based on a

major peer-reviewed 2016 scientific paper by James Wallace, John Christy and Joseph D'Aleo (Wallace 2016) that analyzed the best available temperature data sets and “failed to find that the steadily rising atmospheric CO₂ concentrations have had a statistically significant impact on any of the 13 critically important tropical and global temperature time series data sets analyzed.” The full text of Wallace 2016 may be found at: <https://thsresearch.files.wordpress.com/2016/09/ef-cpp-sc-2016-data-ths-paper-ex-sum-090516v2.pdf>.

The First Supplement to Petition was substantially based on a new April 2017 peer reviewed scientific paper, also from the same authors (Wallace 2017A). Wallace 2017A can be found at: <https://thsresearch.files.wordpress.com/2017/04/ef-data-research-report-second-editionfinal041717-1.pdf>. Wallace 2017A concluded that once impacts of natural factors such as solar, volcanic and ENSO activity are accounted for, there is no “natural factor adjusted” warming remaining to be attributed to rising atmospheric CO₂ levels.

The Second Supplement to the Petition now relies on a third new major peer reviewed scientific paper from James Wallace, Joseph D'Aleo and Craig Idso, published in June 2017 (Wallace 2017B). Wallace 2017B analyzes the GAST data issued by U.S. agencies NASA and NOAA, as well as British group Hadley CRU. In this research report past changes in the previously reported historical data are quantified. It was found that each new version of GAST has nearly always exhibited a steeper warming linear trend over its entire history. And, this result was nearly always accomplished by each entity systematically removing the previously existing cyclical temperature pattern. This was true for all three entities providing GAST data measurement, NOAA, NASA and Hadley CRU.

The Second Supplement to Petition states:

Adjustments that impart an ever-steeper upward trend in the data by removing the natural cyclical temperature patterns present in the data deprive the GAST products from NOAA, NASA and Hadley CRU of the credibility required for policymaking or climate modeling, particularly when they are relied on to drive trillions of dollars in expenditures.

The invalidation of the adjusted GAST data knocks yet another essential pillar out from under the lines of evidence that are the claimed foundation of the Endangerment Finding. As the Second Supplement to Petition states:

It is therefore inescapable that if the official GAST data from NOAA, NASA and Hadley CRU are invalid, then both the “basic physical understanding” of climate and the climate models will also be invalid.

The scientific invalidity of the Endangerment Finding becomes more blindingly obvious and undeniable with each day’s accumulation of reliable empirical data. It is time for an honest and rigorous scientific re-evaluation of this Obama-era political document. The nation has been taken down a tragically foolish path of pointless regulations and wasteful mal-investments to “solve” a problem which does not actually exist. Our leaders must summon the courage to acknowledge the truth and act accordingly.

The Council brought its Petition because the Obama-era greenhouse gas regulations threaten, as President Obama himself conceded, to make the price of electricity “skyrocket.” All Americans will benefit from a new era where the cheapest sources of energy can also compete and prevail in the marketplace.

Media Contacts:

-

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(212) 627-1796

fmenton@manhattancontrarian.com

Myron Ebell

Director, Center for Energy and Environment

Competitive Enterprise Institute

1310 L Street, N. W., Seventh Floor

Washington, DC 20005, USA

Tel direct: (202) 331-2256

Tel mobile: (202) 320-6685

E-mail: Myron.Ebell@cei.org

Stop continental drift!

To: Dravis, Samantha[dravis.samantha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; robin.kime@epa.gov[robin.kime@epa.gov]
Cc: Winters, Karen A.[karen.winters@squirepb.com]; Jessica.DeMonte@potashcorp.com[Jessica.DeMonte@potashcorp.com]
From: Newberry, Edward
Sent: Tue 10/24/2017 6:45:28 PM
Subject: RE: PotashCorp (PCS)

Sam,

Following up on this. Can we get a meeting together soon (see original request below following our conversation). Client reports that the project is getting to a crucial point with respect to the existing/pending administrative appeal.

The agency issued its final phos acid rule in September. It resolved other issues with the final rule raised by PCS and the fertilizer Institute, but left the request for reconsideration on the mercury limit pending – background described in my note below.

A meeting is very timely and if at all possible we'd like to get something together soon as the issue is at a critical point.

Thanks for your help.

Ed

SQUIRE  **Edward J. Newberry**
PATTON BOGGS

Global Managing Partner

Squire Patton Boggs (US) LLP

2550 M Street, NW

Washington, DC 20037

T +1 202 457 5285

O +1 202 457 6000

F +1 202 457 6315

M +1 703 405 4761

edward.newberry@squirepb.com | squirepattonboggs.com

From: Newberry, Edward

Sent: Friday, August 25, 2017 5:04 PM

To: dravis.samantha@epa.gov

Cc: Winters, Karen A. <karen.winters@squirepb.com>; Jessica.DeMonte@potashcorp.com

Subject: PotashCorp

Sam,

Thanks for talking with me earlier this week. We represent PotashCorp, the largest fertilizer company in the world producing potash, nitrogen and phosphate. Its subsidiary PCS Phosphate, has two phosphate mines in the US, one of which is located in Aurora, North Carolina.

As we discussed, we'd like to come in and visit with you, Brittany and Mandy Gunasakara about a rule implemented during the Obama-era. See *Phosphoric Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing*, 80 Fed. Reg. 50386 (August 19, 2015). The rule establishes mercury emissions limits for existing calciners (a calciner is a rotating steel cylinder used to heat and process the phosphate rock). The Aurora calciners are the only calciners in the country subject to the limit. The mercury limit is based on a statistically limited data set not representative of

existing conditions. The limit also fails to take into account the variability of the mercury in the phosphate rock, which PCS Phosphate has no ability to control.

In setting the limit, US EPA determined that there was no adverse health risk associated with mercury emissions from the Aurora facility. EPA's Research Triangle Park office has expressed interest in working with PCS Phosphate to revise the limits, but has indicated they need direction from EPA headquarters.

The issue is critical because the projected cost of emissions controls may impact the viability of the facility, along with the jobs of its 850 employees and the hundreds of collateral businesses and jobs that support the facility and its operations. Moreover, controls are untested and may in fact prove not to be feasible.

North Carolina has already provided PCS Phosphate with what relief they can, however a new limit must be set and addressed through a rule revision on the federal level.

I would appreciate it if you were able to meet with me and my partner, Karen Winters, along with Jessica DeMonte, senior counsel for PCS. We are flexible on scheduling however anytime next Wednesday or Thursday or the week of September 11 would be best.

Thanks again. I look forward to seeing you.

Ed

46 Offices in 20 Countries

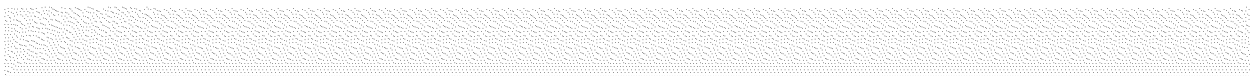
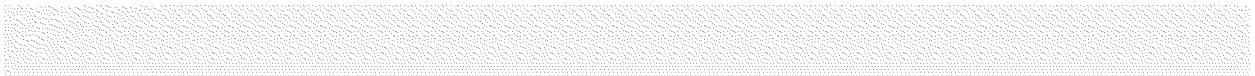
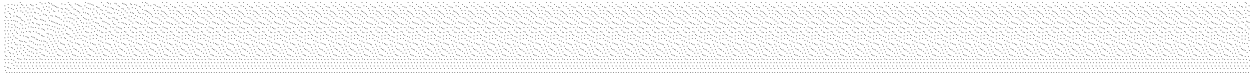
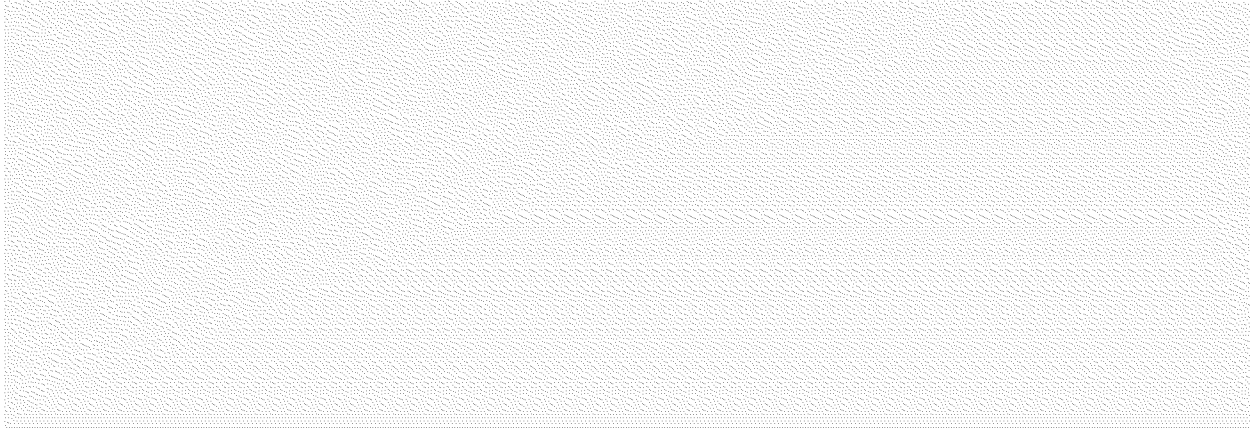
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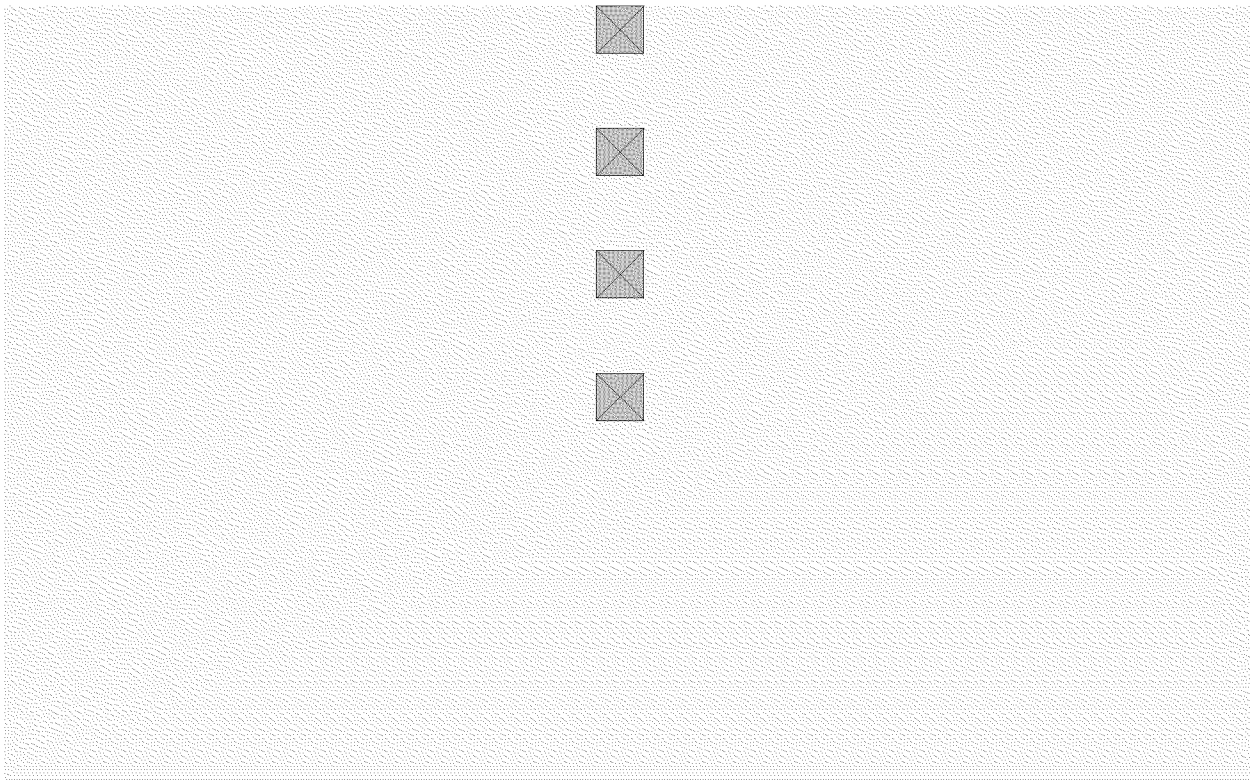
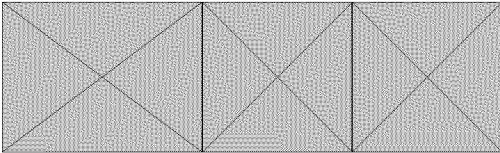
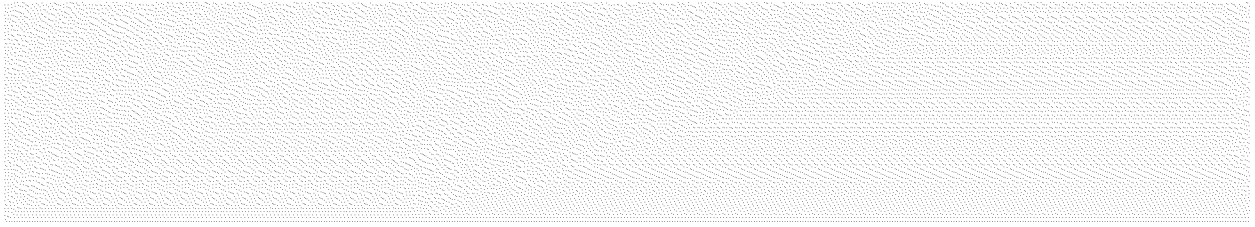
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#US

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: InsideSources
Sent: Wed 12/6/2017 2:09:26 PM
Subject: How Worker Centers Have Changed Union Organizing





To: Marie Sanderson[msanderson@GPS-50.com]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Zadrozny, John A. EOP/WHO
Sent: Mon 10/30/2017 12:46:33 AM
Subject: RE: connecting two friends

Thanks, Marie.

Ms. Dravis, it is great to make your acquaintance. I am sure your schedule is quite full, but please let me know if you ever have time to connect. Depending on the day and time, I can probably meet for coffee or something this week. This week is not good until Wednesday 11/1, but I have a little flexibility from Wednesday onward.

All of my work contact information is below.

Sincerely,

John A. Zadrozny

Special Assistant to the President

Justice and Homeland Security

Domestic Policy Council

Executive Office of the President

w: (202) 456-4677

c: (202) 881-8449

From: Marie Sanderson [mailto:msanderson@GPS-50.com]
Sent: Thursday, October 26, 2017 3:09 PM
To: Zadrozny, John A. EOP/WHO <John.A.Zadrozny@who.eop.gov>; Dravis, Samantha <dravis.samantha@epa.gov>

Subject: [EXTERNAL] connecting two friends

Samantha- meet my friend, John Zadrozny at DPC (justice and homeland security). He and I are friends from transition. We were talking about friends in the Administration and I was bragging on you—He mentioned he had not met you yet and I thought the two of you should definitely know each other. Your work is very complimentary in some instances. I'll let you two take it from here- but hope to see you both soon.

Best,

Marie

To: Kime, Robin[Kime.Robin@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Avery, Kevin J[Kevin.J.Avery@conocophillips.com]
From: Stutchman, Audrey F
Sent: Tue 7/11/2017 8:05:23 PM
Subject: RE: [EXTERNAL] RE: Meeting Request

Hi Robin,

I am happy to work with you on getting a meeting scheduled.

What does Monday morning, July 17, look like on your end?

Thanks,

Audrey

From: Kime, Robin [mailto:Kime.Robin@epa.gov]
Sent: Tuesday, July 11, 2017 11:47 AM
To: Avery, Kevin J <Kevin.J.Avery@conocophillips.com>
Cc: Stutchman, Audrey F <Audrey.F.Stutchman@conocophillips.com>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: [EXTERNAL] RE: Meeting Request

My apologies for emailing too soon. I just realized Samantha and Mandy will be in meetings with the Administrator all day (from 8 – 6 pm) on July 19. I am sorry. Kevin, would you let me know if there are upcoming alternative dates we could make this work?

From: Kime, Robin
Sent: Tuesday, July 11, 2017 11:42 AM

To: Dravis, Samantha <dravis.samantha@epa.gov>; Avery, Kevin J <Kevin.J.Avery@conocophillips.com>
Cc: Stutchman, Audrey F <Audrey.F.Stutchman@conocophillips.com>
Subject: RE: Meeting Request

Hello,

Will do. Kevin, I will follow-up with you momentarily. Thanks and take care.

From: Dravis, Samantha
Sent: Tuesday, July 11, 2017 11:37 AM
To: Avery, Kevin J <Kevin.J.Avery@conocophillips.com>
Cc: Stutchman, Audrey F <Audrey.F.Stutchman@conocophillips.com>; Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: Meeting Request

Yes, Robin can you make this happen and include Mandy Gunasekara as well? Thanks

From: Avery, Kevin J [<mailto:Kevin.J.Avery@conocophillips.com>]
Sent: Tuesday, July 11, 2017 11:00 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Stutchman, Audrey F <Audrey.F.Stutchman@conocophillips.com>
Subject: Meeting Request

Samantha –

I left you a voice message to request a meeting next Wednesday, July 19. Scott Jepsen will be in town to testify before the House Energy and Minerals Subcommittee on Tuesday and I wanted to bring him in to discuss the Small Remote Incinerators issue. We have talked a little about this previously and we wanted to follow up. Scott is Vice President of External Affairs for ConocoPhillips Alaska and has been with the company for a very long time. His schedule is wide open on Wednesday next week. We would welcome the opportunity to meeting with you.

Thank you very much for your consideration of this request.

KJA

Kevin J. Avery

Manager, Federal Government Affairs

ConocoPhillips

325 7th Street, N.W., 12th Floor

Washington, D.C. 20004

202-833-0914 (Direct)

202-304-0467 (Mobile)

To: Robert Faturechi[Robert.Faturechi@propublica.org]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Thur 6/22/2017 5:49:01 PM
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Robert – I talked with Samantha, and we can walk you through her calendar over the phone, so that she can transparently and openly let you know about each meeting she has held with outside organizations (as we are assuming you aren't interested in each staff meeting, etc.). Let us know what time you are available for this call.

Thank you, Liz

From: Bowman, Liz
Sent: Thursday, June 22, 2017 11:24 AM
To: 'Robert Faturechi' <Robert.Faturechi@propublica.org>
Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Well, I am sorry, but I don't know them either. If you or your research department provide me a list, I would be happy to take that list to her calendar and let you know.

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Thursday, June 22, 2017 10:50 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Thanks for this also Liz. But the problem here is I don't know who the donors are for the Rule of Law Defense Fund, which Ms. Dravis led. The group is not required to disclose its donors.

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]
Sent: Thursday, June 22, 2017 10:29 AM
To: Robert Faturechi
Cc: Danielle Ivory

Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Robert – I just sent you confirmation from our ethics counsel, to confirm the information is correct and accurate.

With regard to Samantha's schedule...I don't know who all the RAGA and Freedom Partners funders are, so if you send me a list, I will compare that with Samantha's calendar and then let you know, which, if any, of those she has met with.

Thanks again – Liz

From: Bowman, Liz

Sent: Wednesday, June 21, 2017 10:21 PM

To: Robert Faturechi <Robert.Faturechi@propublica.org>

Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>

Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

As discussed, if you will only use this information if I say that you can attribute it directly to me, than ok. It is important that your readers have all the facts. I ask that you use it in full and don't splice it or take it out of context and that you use the full "on the record quote" from my email. I emailed our ethics counsel, but she is probably asleep (or at least hopefully not working this late), to ask that she is okay with you using the information from her attributed to "EPA ethics counsel." I will let you know when I hear back from her. Thanks - Liz

Sent from my iPhone

On Jun 21, 2017, at 9:08 PM, Robert Faturechi <Robert.Faturechi@propublica.org> wrote:

Thanks Liz. As I mentioned in the initial email, we are treating anything you send to us in response to our questions as on the record, unless both sides agreed beforehand to go on background. As a courtesy, we will leave what you wrote under the header "On background" below as on background, but unless you agree to put it on the record, we can't use it and have to say you declined to comment about whether Ms. Dravis has met with her former employers or their funders, and whether Mr. Brown has recused himself. Can you put that all on the record? Also, can you address whether Ms. Dravis has met with the *funders* of her previous employers? If you can't put that on the record, providing us with

documents that reflect those assertions (i.e. Ms. Dravis' calendars, or Mr. Brown's recusal letter) could be usable too.

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]

Sent: Tuesday, June 20, 2017 7:04 PM

To: Robert Faturechi

Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Off the record: We have sought to be transparent with you in this article are under the impression that you are only going to print accurate, factual information. Below, please find a statement that we are offering for the record, followed by some additional background information that we hope you will use to inform your article. Thank you – Liz

On the record: “We take our ethics responsibilities seriously; all political staff have had an ethics briefing and know their obligations. Each of us has committed to serve in a fair and professional way.” – Liz Bowman, EPA spokesperson

On Background:

Ms. Dravis has had **no** meetings with her former employers, RAGA or Freedom Partners. She is complying with the advice of Agency ethics counsel on her ethics obligations, and she has signed the ethics pledge.

We are working very hard to get back to people who submit FOIAs. Each FOIA EPA receives is managed and responded to by a team of professional career employees. EPA's director of the FOIA team explains that “In all situations, it is EPA's goal to respond to all requests as expeditiously as possible.”

EPA's ethics office confirms that all Regulatory Reform Task Force Members have received ethics training: “As ethics questions have arisen or been raised, they have consulted with EPA ethics promptly and abided by the counsel provided to them.”

EPA ethics is aware of Mr. Brown's spouse's employment and he has properly recused from

participation in particular matters that affect that company as a specific party and as a member of an affected class. As he has met his ethical obligations through recusal, he did not need any other determination, including consideration of a waiver.

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Tuesday, June 20, 2017 10:09 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just tried you. I'm at 2132717217

Sent from my iPhone

On Jun 20, 2017, at 9:25 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Can you please give me a call at 202-564-3293?

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Monday, June 19, 2017 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Ivory, Danielle <danielle.ivory@nytimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just making sure the questions below were received. Please let us know, and thanks.

From: Robert Faturechi
Sent: Friday, June 16, 2017 5:12 PM
To: 'Bowman, Liz'
Cc: 'Ivory, Danielle'
Subject: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Liz,

As you know, Danielle Ivory and I are working on a story for The New York Times and ProPublica about the regulatory reform task forces that have been created at several major agencies, based on President Trump's executive order. Through interviews, public records and Freedom of Information Act requests, we have identified many of the members of these task forces and have found that some may be reviewing regulations that, in their previous jobs, they worked to weaken or eliminate entirely.

We were hoping to ask you some questions ahead of our story publishing. Our deadline is Wednesday, June 21, at noon EST. We hope we will hear from you. If it would be easier to chat by phone please don't hesitate to call. Also, please note that we are requesting this information fully on the record, so that we can fully include your thoughts in the story. If something in particular needs to be on background, we are happy to discuss that with you, but please be advised that, otherwise, our conversations will be on the record.

-Our understanding is that Samantha Dravis, Ryan Jackson, Byron Brown and Brittany Bolen are on your regulatory reform task force. Can you provide us with the names of anyone else assigned to the task force?

-Has the task force identified any regulations yet that might be revised or eliminated? If so, which ones?

-As I mentioned before, we are stating in the story that EPA has thus far refused to disclose the calendar for task force chair Samantha Dravis through FOIA, even as an agency spokeswoman advised us we could get the calendar through FOIA. We also state that Ms. Dravis is a former top official for an industry-funded political group, that she is meeting privately with industry stakeholders, and that the agency is declining to say whether she has discussed regulations to eliminate with any of her previous employers or their funders. We mention Ms. Dravis' post at the the Republican Attorneys General Association, and her tenure as president of its Rule of Law Defense Fund, which brought together energy companies and Republican attorneys general working together to file lawsuits against the federal government over Obama-era environmental regulations. We also mention she worked for Freedom Partners. Will Ms. Dravis' prior employment working for industry-funded groups in any way affect

her decision making while at EPA? Outside of agency comment, is there anything Ms. Dravis would like to respond to or add directly?

-Our reporting found that another task force appointee, Byron Brown, is married to Lesley Schaaff, a senior government affairs manager for Hess Corporation who has lobbied the EPA directly. (The company was penalized more than \$45 million by the EPA because of alleged Clean Air Act violations at its refinery in Port Reading, New Jersey.) Has or will Mr. Brown recuse himself from evaluating regulations affecting Hess? Has he received a waiver to work on such issues? Is it a conflict for him to work on such issues? Does he or his wife own any stake in Hess? Schaaff is also a member of the natural gas subcommittee for the American Petroleum Institute, which has lobbied the EPA's regulatory reform task force to ease natural gas rules including on methane emissions. Will Mr. Brown be recusing himself from issues relating to the American Petroleum Institute? Has he received a waiver to work on such issues? Outside of agency comment, would Mr. Brown like to comment on any of these issues directly?

-According to OGE records, none of the task force members have been issued waivers to deal with issues that they recently worked on in the private sector. Have any task force members recused themselves from dealing with any companies or issues and, if so, please elaborate.

-We plan to report that Ryan Jackson was a longtime aide to Sen. Jim Inhofe. How will his prior employment affect his decision making while at EPA? Outside of agency comment, is there anything he would like to respond to or add directly?

-We plan to report that Brittany Bolen was Majority Counsel for the Senate Environment and Public Works Committee (which was chaired by Mr. Inhofe). How will her prior employment affect her decision making while at EPA? Outside of agency comment, is there anything she would like to respond to or add directly?

Thanks,

Robert and Danielle

Robert Faturechi

Reporter, ProPublica

Desk: 917-512-0216

Cell: 213-271-7217

robert.faturechi@propublica.org

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bennett, Tate[Bennett.Tate@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Elam Harden, Sonya
Sent: Fri 8/4/2017 8:36:16 PM
Subject: RE: Re: Liberty Mine tour

Samantha...is there a time that works best for you? I can set up the call for Monday.

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Thursday, August 03, 2017 11:15 AM
To: Elam Harden, Sonya <sonya.elam@alcoa.com>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: EXT: Re: Liberty Mine tour

Thank you, Sonya. Let's set up a call to discuss if you don't mind. Does Monday work for you?

On Aug 3, 2017, at 8:36 AM, Elam Harden, Sonya <sonya.elam@alcoa.com> wrote:

Samantha and Tate,

It was a pleasure meeting you both yesterday at the Liberty Mine near Evansville, Indiana. I hope you both made it back home safely. We appreciate you and Administrator Pruitt taking the time out of your very hectic schedules to visit a site that is important to Alcoa and its continued operation in the state.

As we briefly discussed, we are interested in talking further with you about EPA Region V's intent to classify Warrick County as non-attainment for SO₂, based on an outdated Sierra Club model. We understand they intend to send the 120-day letter to Governor Holcomb by Aug. 14, notifying the State of EPA's intent to modify the attainment status recommended by Indiana's Dept. of Environmental Management.

We are happy to have our environmental team share with EPA why we believe our model, based on real data, is more accurate and reflective of what SO₂ emissions we can expect from our aluminum smelter operation. I would appreciate your guidance on how we can

best move forward to find a reasonable solution. I will be in DC the week of Aug. 14, and happy to schedule a meeting to discuss.

Thanks again for your visit to the mine, and your offer of support.

All the best,

Sonya

Sonya Elam Harden

Vice President, Government Affairs – Western Hemisphere

Alcoa Corporation
Mobile +01 864 357 1258 | sonya.harden@alcoa.com | www.alcoa.com

<image003.png>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Delta Air Lines
Sent: Mon 7/17/2017 11:18:42 PM
Subject: It's Time To Check-In

Hello, SAMANTHAK DRAVIS

SkyMiles® #6982016971

Delta Confirmation #: **H4BZ8I**

Your flight on Tuesday, July 18 is available for check-in.

Ready for your upcoming flight? Save time and check in online now whether you are traveling with or without baggage. And don't worry about reconfirming your flights, you're all set!

Tuesday, July 18	DEPART	ARRIVE	SEATS
Delta 2249	Salt Lake City, Utah	Washington Dulles Intl, District of Columbia	Seat 13D
	5:17 pm	11:28 pm	

ARRIVE ON TIME

Due to peak summer travel season, many airports are experiencing a high volume of passengers, resulting in long check-in, baggage drop and security checkpoint lines. Please plan to arrive at the airport at least 2 hours prior to your departure when traveling domestically (within the U.S) or at least 3 hours prior to your departure when traveling internationally. We also encourage passengers to check-in online at delta.com or via the Fly Delta app to help avoid delays.

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Check out the [weather](#) in Washington, District of Columbia.

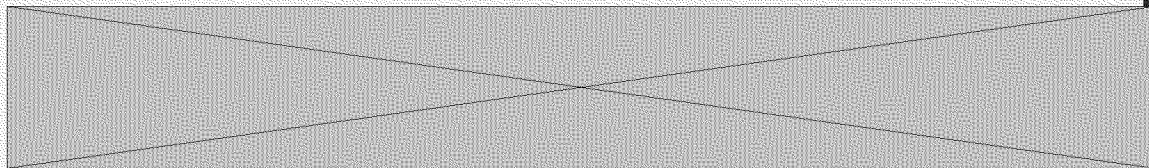
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To: Stephen Fotis[scf@vnf.com]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: 'Warner, Elizabeth'[elizabeth.warner@santecooper.com]
From: Brown, Byron
Sent: Thur 7/27/2017 8:48:23 PM
Subject: RE: [EXTERNAL SENDER] RE: Call

I am free to talk as well.

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Thursday, July 27, 2017 4:27 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: 'Warner, Elizabeth' <elizabeth.warner@santecooper.com>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha – That works for me. Unfortunately, it doesn't work for Elizabeth Warner, but she has asked that I go ahead without her. I have a conference call at 5:30 PM today, but am available anytime up to that time.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Thursday, July 27, 2017 4:15 PM
To: Stephen Fotis; Greenwalt, Sarah
Cc: 'Warner, Elizabeth'; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Is it possible to try and talk today? I have some time now until 6pm.

From: Stephen Fotis [<mailto:scf@vnf.com>]
Sent: Thursday, July 27, 2017 4:07 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: 'Warner, Elizabeth' <elizabeth.warner@santecooper.com>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha and Byron – I know how busy you both must be, but wanted to see if we can find a time when we could briefly talk about CCRs – as follow up to Santee Cooper's conversation with Administrator Pruitt last Monday in South Carolina. The following times would work for me and Elizabeth Warner of Santee Cooper early next week: Monday, July 31 from 2 to 5 PM, and Tuesday, anytime except from 10 AM to 12 noon. Please let us know if any of those times work for your schedules.

Many thanks,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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immediately by telephone (202-298-1800) or by return e-mail and delete it from his or her computer.

From: Stephen Fotis
Sent: Tuesday, July 25, 2017 11:26 AM
To: 'Dravis, Samantha'; Greenwalt, Sarah
Cc: Warner, Elizabeth; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Thanks Sarah. Samantha please let us know when it is convenient to follow up with you and Bryon on the CCR issues.

Best,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Tuesday, July 25, 2017 11:24 AM
To: Greenwalt, Sarah
Cc: Stephen Fotis; Warner, Elizabeth; Brown, Byron
Subject: Re: [EXTERNAL SENDER] RE: Call

Oh ok! No problem

Sent from my iPhone

On Jul 25, 2017, at 11:23 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Sam, sorry for the confusion, but this call at 11 was to discuss something raised at our meeting the other day, not CCR. I think Stephen will be working to set up a separate call on CCR with you and Byron.

Sent from my iPhone

On Jul 25, 2017, at 11:04 AM, Stephen Fotis <scf@vnf.com> wrote:

That is fine. Why don't you call my number – 202 298-1908.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]
Sent: Tuesday, July 25, 2017 11:02 AM
To: Warner, Elizabeth
Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha
Subject: Re: [EXTERNAL SENDER] RE: Call

I am running a few minutes behind at another meeting. Sorry, if you'll give me 5

minutes that would be great.

Sent from my iPhone

On Jul 24, 2017, at 6:49 PM, Warner, Elizabeth
<elizabeth.warner@santeecooper.com> wrote:

Sarah,

11 a.m. suits Stephen and me. Should we call your office?

Thanks also for the opportunity to talk with Byron and Samantha. Stephen is coordinating getting in touch with them quickly to share information.

Thanks,

Babs

Elizabeth Henry Warner

Vice President Legal Services and

Corporate Secretary

Santee Cooper

(843) 761-7044

ehwarner@santeecooper.com

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]
Sent: Monday, July 24, 2017 6:08 PM
To: Warner, Elizabeth
Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha
Subject: [EXTERNAL SENDER] RE: Call

WARNING: This e-mail is from an external sender. Use caution when opening attachments and clicking links.

Thank you Elizabeth! It was a very productive meeting. I'm cc'ing Byron Brown and Samantha Dravis who are very familiar with CCR. If you would please communicate to them what you were sharing with the Administrator today, that would be very helpful.

As of now, I'm free from 11-11:30 and 3:00-3:45 to discuss the other.

Thanks!

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Warner, Elizabeth [<mailto:elizabeth.warner@santeecooper.com>]
Sent: Monday, July 24, 2017 2:09 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Stephen Fotis <scf@vnf.com>
Subject: Call

Sarah,

Very nice to meet you today. Thanks for all the work you have been doing on water issues for EPA. Stephen Fotis and I are available for a call re ELG anytime tomorrow. Stephen is very familiar with the issues we discussed. We look forward to hearing from you.

Thanks,

Babs

Elizabeth Henry Warner

Vice President Legal Services and

Corporate Secretary

Santee Cooper

(843) 761-7044

ehwarner@santeecooper.com

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Fri 8/18/2017 10:00:53 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

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□

To: Myron Ebell[Myron.Ebell@cei.org]
From: Myron Ebell
Sent: Tue 10/10/2017 9:47:22 PM
Subject: Cooler Heads Coalition: information on "Clean Power" Plan repeal

Reminder: the Cooler Heads Coalition will hold its next strategy meeting on Monday, 16th October, beginning at 12 noon at CEI, 1310 L Street, N. W., Seventh Floor. Please e-mail or ring me at 331-2256 with agenda items or questions.

Here is the EPA press release on the CPP repeal, followed by links to useful background information, followed by my statement, followed by Marlo Lewis's blog.

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called "Clean Power Plan (CPP)." After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump's Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," **said EPA Administrator Scott Pruitt.** "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."

CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

“EPA will respect the limits of statutory authority. The CPP ignored states’ concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism,” **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions “outside the fence line.” Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA’s authority under an “inside the fence line” interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The “preamble,” which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The “Regulatory Impact Analysis (RIA),” an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to \$33 billion in avoided compliance costs in 2030.

The previous administration’s estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration’s analysis of CPP include:

- **Domestic versus global climate benefits:** The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.

- **“Co-benefits” from non-greenhouse-gas pollutants:** The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule’s stated purpose.

- **Energy cost and savings accounting:** The Obama administration counted “energy

efficiency” results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget’s longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

“With this action, the Trump administration is respecting states’ role and reinstating transparency into how we protect our environment,” **said Administrator Pruitt.**

Background:

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

Visit The EPA's
Newsroom

Here are some official EPA online resources promoting today’s action on CPP. Feel free to repost and share.

EPA Homepage: <https://www.epa.gov/>

EPA Twitter: <https://twitter.com/EPA/status/917806465062260738>

EPA Air Office Twitter: <https://twitter.com/EPAair/status/917809327599181825>

Administrator Pruitt Twitter: <https://twitter.com/EPAScottPruitt/status/917802478845988864>

EPA Facebook: https://www.facebook.com/EPA/?hc_ref=ARSr6RzCgQ0tB23ZzO-5z0iW-m1KLIZMzissW0s3FCtjh3iIDw2wkvU_0MkV3DUb3Kc&fref=nf

Administrator Pruitt Facebook:

<https://www.facebook.com/ajax/sharer?appid=586254444758776&s=100&u=https%3A%2F%2Fwww.epa.gov%2Ftakes-another-step-advance-president-trumps-america-first-strategy-proposes-repeal>

EPA YouTube: <https://www.youtube.com/watch?v=OpIAkmEWEYg&sns=tw>

EPA Instagram: <https://instagram.com/p/BaE8Q4QFvLs/>

CEI Applauds Repeal of So-Called Clean Power Plan

October 10, 2017

The Competitive Enterprise Institute's Myron Ebell responded to the announcement that the Environmental Protection Agency would repeal the Clean Power Plan, an Obama administration rule that has been challenged in court for being an unlawful change to the nation's coal industry.

“CEI applauds EPA Administrator Scott Pruitt’s move to repeal the so-called Clean Power Plan. This is a huge step toward dismantling the Obama Administration’s war on affordable energy. Repealing the CPP will spur new investment and create new jobs in energy-intensive manufacturing and resource industries. States will now not be forced to close coal-fired power plants or replace them with more expensive and less reliable types of energy.

“While states like California and New York can continue down their chosen path of higher energy prices for consumers, repealing the “Clean Power” Plan means that other states will not have to close down coal-fired power plants and thereby destroy jobs and impoverish consumers with higher electric rates.

“Besides the huge economic benefits from repealing the rule, we congratulate the Trump Administration for restoring legality to the regulatory process. The document released today notes that the rule must be repealed simply because it is illegal. That’s why the Supreme Court stayed implementation of the rule in February, 2016, on the grounds that it was likely to be overturned by the court. Especially welcome is the replacement of the legally flawed cost-benefit analysis of the rule with a new analysis.”

EPA Proposes Clean Power Plan Repeal Rule

Marlo Lewis, Jr. • October 9, 2017

On Tuesday, October 10, Environmental Protection Agency Administrator Scott Pruitt is expected to release the agency’s proposed rule to repeal the Clean Power Plan (CPP). The CPP, which aims to reduce U.S. electric power sector carbon dioxide (CO₂) emissions by 32 percent below 2005 levels by 2030, was the Obama administration’s marquee domestic climate policy and principal regulatory component of the U.S. emission-reduction pledge under the Paris Climate Accord. On Friday, October 6, someone leaked the repeal rule a few days before its official debut. In this post, I provide excerpts and offer commentary on the leaked document.

Although there are no shortage of policy arguments against the CPP, the repeal proposal is based solely on a legal argument. The CPP is to be repealed because it exceeds the agency’s statutory authority. As the proposal states:

Specifically, the EPA proposes a change in the legal interpretation as applied to section 111(d) of the Clean Air Act (CAA), on which the CPP was based, to an interpretation that the Agency proposes is consistent with the Act’s text, context, structure, purpose, and legislative history, as well as with the Agency’s historical understanding and exercise of its statutory authority. Under the interpretation proposed in this notice, the CPP exceeds the EPA’s statutory authority and would be repealed. The EPA welcomes

comment on the legal interpretation addressed in this proposed rulemaking.

What is that interpretation? In brief, CAA [section 111\(d\)](#) authorizes the EPA to adopt emission-reduction guidelines individual sources can meet via modifications to or at those facilities. In contrast, the CPP requires emission-rate reductions that no individual coal power plant or natural gas power plant can achieve via changes in the facility's technology or operation. To comply, owners and operators must shift generation from coal to gas, and from fossil fuels to renewables, either by investing in new renewable generation or purchasing emission credits from renewable facilities.

Thus, putting it now in my own words, the CPP is a plan to transfer wealth from politically disfavored to favored power generators and restructure the nation's electricity marketplace. Neither the text of 111(d), nor the handful of previous 111(d) rules, nor legislative history provides any support for such grandiose ambitions.

Here's how the EPA summarizes its argument:

CAA section 111(d) requires the EPA to promulgate emission guidelines for existing sources that reflect the "best system of emission reduction" (BSER) under certain circumstances. Notwithstanding the CPP, all of the EPA's other CAA section 111 regulations are based on a BSER consisting of technological or operational measures that can be applied to or at a single source. The CPP departed from this practice by instead setting carbon dioxide (CO₂) emission guidelines for existing power plants that can only realistically be effected by measures that cannot be employed to, for, or at a particular source. Instead, the CPP encompassed measures that would generally require power generators to change their energy portfolios through generation-shifting (rather than better equipping or operating their existing plants), including through the creation or subsidization of significant amounts of generation from power sources entirely outside the regulated source categories, such as solar and wind energy. This raised substantial concerns that the CPP would necessitate changes to a State's energy policy, such as a grid-wide shift from coal-fired to natural gas-fired generation, and from fossil fuel-fired generation to renewable generation.

Let's dig into that a bit deeper. In the CPP, the "best system of emission reduction" consists of three "building blocks": (1) Improve the heat rate (thermal efficiency) of coal power plants, (2) shift baseload generation from coal to gas, and (3) replace generation from fossil-fuel power plants with generation from new renewable facilities. "While building block 1 constituted measures that could be applied directly to a source—that is, integrated into its design or operation—building blocks 2 and 3 were expressly designed to shift the balance of coal-, gas-, and renewable-generated power at the grid-wide level."

Building blocks 2 and 3 make the CPP unprecedented in two obvious ways. First, unlike previous 111(d) rules, the CPP establishes emission performance standards "well below that which could be met by existing units through any retrofit technology of reasonable cost available at the time." Consequently (though the repeal rule does not put it so bluntly), CPP "performance" standards are actually *non-performance mandates*. Owners

and operators of fossil-fuel power plants can comply only by producing *less power* from their facilities (including, for example, by shutting them down).

Second, the CPP imposes tougher emission performance standards on existing sources than the corresponding and prerequisite new source rule imposes on new sources. For example, for natural gas combined cycle power (NGCC) plants, the new source rule sets a performance standard of 1000 lbs. CO₂/MWh. The CPP standard for NGCC plants is 700 lbs. CO₂/MWh. That flouts statutory logic and common sense, “because the costs of controlling existing facilities will ordinarily be greater than those for control of new sources.”

One might wonder why the EPA proposes to repeal the CPP “in its entirety.” Why not leave the building block 1 thermal efficiency requirements in place? The agency explains:

The EPA proposes to take this action because it proposes to determine that the rule exceeds its authority under the statute, that those portions of the rule which arguably do not exceed its authority are not severable and separately implementable, and that it is not appropriate for a rule that exceeds statutory authority—especially a rule of this magnitude and with this level of impact on areas of traditional state regulatory authority—to remain in existence pending a potential, successive rulemaking process.

Although the EPA has no current plan to replace the CPP with an alternative scheme for regulating CO₂ emissions, the agency “is considering whether it is appropriate to propose such a rule and is intending to issue an Advance Notice of Proposed Rulemaking (ANPRM) in the near future.” The ANPRM will solicit information on “systems of emission reduction that are in accord with the legal interpretation proposed in this notice.” However, the EPA is not soliciting such information at this time.

A 60-day comment period on the proposed repeal rule will begin on the date of publication in the Federal Register. The EPA will also hold a public hearing during the comment period.

Turning to the big picture, the CPP repeal rule is a key part of President Trump’s broader commitment to “suspend, revise, or rescind those [regulations] that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.” Mr. Trump approved the Keystone XL and Dakota Access pipelines, repealed all of President Obama’s climate policy executive orders, signed 14 Congressional Review Act resolutions of disapproval overturning Obama administration regulations, challenged the Obama EPA’s Waters of the United States rule, initiated repeal of Obama’s Arctic offshore drilling ban, disbanded the Interagency Working Group on the Social Cost of Carbon, and announced his intention to withdraw from the Paris Agreement.

Conservatives and free marketers should be grateful. It’s not just that Hillary Clinton would have pushed America farther down the progressive rabbit hole had she won the 2016 elections. No GOP establishment candidate would have dared and done

anywhere near as much as President Trump to repeal Obama's climate "legacy" policies—the CPP and Paris Agreement—and roll back federal regulatory burdens on U.S. energy producers.

Myron Ebell

Director, Center for Energy and Environment

Competitive Enterprise Institute

1310 L Street, N. W., Seventh Floor

Washington, DC 20005, USA

Tel direct: (202) 331-2256

Tel mobile: (202) 320-6685

E-mail: Myron.Ebell@cei.org

Stop continental drift!

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]
From: EPA@BCDTRAVEL.COM
Sent: Tue 9/12/2017 8:15:57 PM
Subject: Final Notice: Authorization Required: Travel for DRAVIS/SAMANTHA K * Travel date – 14Sep17 * REF: WN4SD0

Name: DRAVIS/SAMANTHA K
Locator: WN4SD0
Travel Date: 14Sep
Booking PCC: 2F8M

We have not received your authorization to travel for the trip referenced below. The airline cancels reservations that are not ticketed 48 hours in advance of departure. If you intend to go on this trip, you must rebook the trip and receive your authorization to travel as soon as possible.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA050M4

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
09/14/2017 DCA- DL 2917 Confirmed 04:15 PM/06:09 PM Economy / U
ATL
09/14/2017 ATL-IAH DL 2274 Confirmed 07:10 PM/08:20 PM Economy / U
.
09/14/2017 HOU Magnolia Hotel Confirmed 09/14-09/15
Houston
09/15/2017 IAH-DCA UA 1106 Confirmed 05:55 PM/09:58 PM Economy / S
.
.

Delta Air Lines Flight DL2917 Economy

[Online check-in](#)

Depart: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
04:15 PM Thursday, September 14 2017

[Weather](#)

Arrive: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
06:09 PM Thursday, September 14 2017

[Weather](#)

Duration: 1 hour(s) and 54 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: HNJPYS
Equipment: Airbus Industrie A321
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs

Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
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PLEASE CHECK WWW.DELTA.COM

Delta Air Lines Flight DL2274 Economy

[Online check-in](#)

Depart: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
07:10 PM Thursday, September 14 2017

[Weather](#)

Arrive: George Bush Intercontl, Terminal A
Houston, Texas, United States
08:20 PM Thursday, September 14 2017

[Weather](#)

Duration: 2 hour(s) and 10 minute(s) Non-stop
Total duration: **5 hour(s) and 4 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: HNJPYS

Equipment:
Seat: 19C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 688 miles / 1106.992 kilometers
CO2 Emissions: 302.72 lbs/137.6 kgs

Magnolia Hotel Houston

Address: 1100 Texas Avenue
Houston, TX 77002
United States

Tel: +1 (713) 221-0011
Fax: +1 (713) 221-0022

Check In/Check Out: Thursday, September 14 2017 - Friday, September 15 2017

Status: Confirmed

Number of Persons: 1

Persons:

Number of Rooms: 1

Number of Nights: 1

Rate per night: USD 135.00 plus tax and any additional fees

Guaranteed: Yes

Confirmation: 482229308

Cancellation: Cancel by 400PM 12SEP17 local hotel time to avoid any charges.

Policy:

CO2 Emissions: Per night is approximately 63.8 lbs/29 kgs

Additional Information: NONSMOKINGEARLYCHCKIN

United Airlines Flight UA1106 Economy

Online check-in

Depart: George Bush Intercontl, Terminal C
Houston, Texas, United States
05:55 PM Friday, September 15 2017

Weather

Arrive: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
09:58 PM Friday, September 15 2017

Duration: 3 hour(s) and 3 minute(s) Non-stop
Status: Confirmed - United Airlines Record Locator: O5SMMG
Meal: Food For Purchase
Equipment: Airbus Industrie A319
Seat: 35D (Non smoking) Confirmed
Distance: 1206 miles / 1940.454 kilometers
CO2 Emissions: 530.64 lbs/241.2 kgs

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TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
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CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
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CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Mon 7/3/2017 8:01:58 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

A Concur document for SAMANTHA DRAVIS, TAA04OFH, Auth with a trip departure date of 07/07/17 has been stamped CREATED by SAMANTHA DRAVIS and is now awaiting your action.

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To: Kime, Robin[Kime.Robin@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]
From: EPA@BCDTRAVEL.COM
Sent: Tue 10/3/2017 2:58:20 AM
Subject: Ticket Refund Notification for DRAVIS/SAMANTHA K - Record Locator SG552I

Record Locator: SG552I

DRAVIS/SAMANTHA K,

The following airline ticket(s) have been submitted to the airline(s) for credit:

Ticket 0168611711190 on United Airlines in the amount of 443.80 on October 02, 2017.

Please allow 4-6 weeks for processing. All refunds are subject to airline audit. Credit will be applied to the original form of payment.

Please note that if a separate transaction fee was assessed for your ticket(s), that amount is not included in the refund request; it will require submission on your expense report. If transaction fees are billed centrally for your corporation, then no action is required.

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To: Joseph Mendelson[jmendelson@tesla.com]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Rohan Patel[rohpatel@tesla.com]
From: Bolen, Brittany
Sent: Thur 9/7/2017 11:33:44 PM
Subject: Re: Tesla Statement - Mid-term Evaluation

Thanks for the email, Joe. This just reminded me of the follow-up email to Mike. Standby.
Best,
Brittany

Sent from my iPad

On Sep 7, 2017, at 10:41 AM, Joseph Mendelson <jmendelson@tesla.com> wrote:

Hi Brittany and Samantha,

I just wanted to pass along the statement we put out in conjunction with yesterday's hearing.

My Best,

Joe Mendelson

Tesla's statement related to the EPA hearing on the Mid-Term Evaluation of the GHG Standards for Light Duty Vehicles.

"The current fuel economy standards are a bare minimum and can be met with small increases in the efficiency of fossil fuel engines. Electric vehicles make the standards look pathetically low, and Tesla has shown that consumers want electric vehicles. Given the overwhelming science and demand for electric vehicles, the EPA and DOT should increase the standards and create jobs and a cleaner future for America." Diarmuid O'Connell, Tesla Vice President of Corporate & Business Development

Joseph Mendelson | Senior Counsel | Policy and Business Development
1050 K Street, NW, Suite 101 | Washington, DC 20001
c 703.244.1724 | e jmendelson@tesla.com

[<image001.png>](#)

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[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

Please consider the environment before printing this email.

From: Bolen, Brittany [<mailto:bolen.brittany@epa.gov>]
Sent: Thursday, July 27, 2017 1:26 PM
To: Joseph Mendelson
Cc: Rohan Patel; Dravis, Samantha
Subject: Re: Thanks!

Joe and Rohan,

Thank you for being so flexible the other day, it was good to meet with you. I'll forward your tour invitation to our public engagement folks. I'll send a separate email connecting you with Mike, too.

Best,

Brittany

On Jul 25, 2017, at 3:42 PM, Joseph Mendelson <jmendelson@tesla.com> wrote:

Samantha and Brittany,

Thanks on my end as well.

Please let us know how we can be of assistance in the future. Per your offer, we would also appreciate an opportunity to engage with Mike Cantazaro.

My best,

Joe

Joseph Mendelson | Senior Counsel | Policy and Business Development
601 13th Street, NW, 9th Fl. N. | Washington, DC 20005
c 703.244.1724 | e jmendelson@tesla.com

[<image001.png>](#)

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[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

Please consider the environment before printing this email.

From: Rohan Patel
Sent: Tuesday, July 25, 2017 3:30 PM
To: dravis.samantha@epa.gov; bolen.brittany@epa.gov
Cc: Joseph Mendelson
Subject: Thanks!

Samantha and Brittany,

Very busy and exciting time to be a part of the administration, so we appreciate you taking the time with us and stand ready to help provide any data and analysis that may be helpful to you in this review process. I'd also like to invite you (and anyone else you'd like to include from EPA) to come out to our Fremont, CA or Sparks, NV

factories to speak directly with our engineers and see the manufacturing process up close.

Thanks again,

Rohan Patel

Tesla

317-532-7898

To: DSchwietert@autoalliance.org[DSchwietert@autoalliance.org]
Cc: Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Atkinson, Emily
Sent: Wed 11/22/2017 7:14:27 PM
Subject: FW: Auto Alliance Board Invitation for Bill Wehrum
Bill Wehrum Board Invitation Letter Signed 11142017.pdf
Bill Wehrum Event Form AA.DOCX

Hi Dave,

Bill Wehrum has reviewed this request and asked that I arrange his participation in the Auto Alliance Board meeting. It looks like you are wanting to have him participate on Thursday, December 7, 2017 from 10:00 – 11:00am. I will hold this time slot on his calendar for now.

Please fill out the attached event form and return it to me no later than Friday, December 1.

Thank you.

Emily

Emily Atkinson
Management Analyst/Office Manager

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: "David Schwietert" <DSchwietert@autoalliance.org>
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>

Subject: RE: re: Auto Alliance Board Invitation for Bill Wehrum

Mandy, Samantha, and Brittany,

I know it's only been a week since I transmitted an invite request for Assistant Administrator Wehrum to join our upcoming Board meeting but I thought I'd circle back with the three of you to see if you thought that might be feasible since the 12/7 meeting is just around the corner.

I hope you and the Assistant Administrator can see the benefit of sitting down with our board members, along with Mike Catanzaro that morning.

Happy to talk in more detail if you have time today or tomorrow. Alternatively, if this is just too complicated to give a definitive answer, I'm happy to follow up next Monday depending on your travel plans with Thanksgiving.

Thanks so much!

Dave

202-680-3150

From: David Schwietert

Sent: Tuesday, November 14, 2017 12:42 PM

To: Samantha Dravis <dravis.samantha@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>

Subject: FW: re: Auto Alliance Board Invitation for Bill Wehrum

Samantha and Brittany,

I intended to copy you on my email below to Mandy a few minutes ago.

Wanted to flag this invitation for your awareness.

Thanks!

Dave

From: David Schwietert
Sent: Tuesday, November 14, 2017 12:40 PM
To: 'gunasekara.mandy@epa.gov' <gunasekara.mandy@epa.gov>
Subject: re: Auto Alliance Board Invitation for Bill Wehrum

Mandy,

Attached is a formal invitation Assistant Administrator Bill Wehrum to attend a portion of the Auto Alliance Board Meeting here in Washington D.C. on the morning of Thursday, December 7th

Mike Catanzaro is confirmed to join our meeting around 10:00 AM and we felt it would be great to have the Assistant Administrator join us as well.

I wanted to flag this for you and I'm happy to provide any additional information. I'm also happy to route the request to others within EPA if necessary.

So far, the Board has confirmed meetings with various Administration officials on December 7th –Deputy DOT Secretary Rosen and we're awaiting confirmations from NHTSA Deputy Administrator King and DOT Undersecretary for Policy, Derek Kan. Senate Majority Leader McConnell is also confirmed to meet with our Board.

We've appreciated the EPA Administrator's willingness to spend time with our Board during their April meeting and with Assistant Administrator Wehrum's swearing in this week and direct involvement in key issues impacting the auto sector (mid term review) we felt our board meeting next month might be a nice way for us to underscore the important work that's underway between EPA, DOT, and CA to preserve One National Program for vehicle fuel economy standards.

Let me know if I can answer any questions.

Thanks!

Dave

David Schwietert

Executive Vice President, Federal Government Relations & Public Policy

P: 202-326-5521 | dschwietert@autoalliance.org



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MITCH BAINWOL *President & CEO*

November 14, 2017

William Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Mr. Wehrum:

Congratulations on your Senate confirmation last week to be the head of the Office of Air and Radiation. Due to a variety of issues that are of interest to the auto sector, I wanted to extend an invitation for you to meet with the Alliance Board during our upcoming meeting here in Washington D.C. In particular, I would like to invite you to join Michael J. Catanzaro, Special Assistant to the President for Domestic Energy and Environmental Policy, in meeting with our Board the morning of Thursday, December 7th here at the Alliance office.

Our upcoming board meeting would allow us to outline the top issues impacting the auto sector and for us to hear about key Administration priorities, including the on-going work by the Administration with respect to the Mid Term Evaluation for auto fuel economy standards. While CEO attendance has yet to be confirmed, we would expect a strong turnout from our 12 members, which include: Ford, GM, FCA, Toyota, VW, Mercedes Benz, BMW, Jaguar Land Rover, Mazda, Mitsubishi, Porsche, and Volvo. As you may know, our Association represents both domestic and international auto manufacturers that account for over 70 percent of all light-duty vehicle sales.

We hope you can join us for a discussion with our Board the morning of December 7th around 10:00 a.m. for approximately 45 minutes to an hour. Please let me know if you have any questions and I appreciate you considering this request.

Sincerely,

Mitch Bainwol

Event Information Form

This form has been designed to assist in planning participation in events and activities.
This is not a confirmation of attendance.

Basic Background

Name of Event	
Sponsoring Organization	
Date of Event	
Time of Event	
Expected time of remarks or participation by AA Wehrum	
Location (please include city/town and street address)	
Directions to the event (if appropriate, please also include relevant information about parking, the specific building, and best entrance to use)	
Where to meet POC	

Event Description and Role of the AA

Brief description or outline of the event	
Brochure, invitation and/or other event material(s)	
Agenda and order of speakers and biography/information of other speakers	
Name of person introducing AA Wehrum	
Basic information about the role of the AA official at the event. (For example, will they serve as a keynote speaker? Participate on a panel? Take part in a press conference? Tour a facility?)	
If the AA official is a featured speaker, which topic(s) should they address and how long?	
What rules would the audience like to hear about?	
Will there be time for Q&A? If so, who will be moderating?	
Do you have a sense of the types of questions that may be asked?	
Recommendations on the use of visuals/PowerPoint. Should the AA official plan on using a PowerPoint Presentation?	
What is the physical layout of the room (e.g. size, and format of the interaction; podium, seated in armchair dialogue, or at a table, etc.)	

About the Audience

Please tell us about the make-up of the audience for the event:	
Expected number in attendance at the event	
Will it be largely members of your organization?	
Will others be in attendance? If so, who will be at the event? (General public, Businesspeople, Educators, Families, Students – what grade level, Children – how old)	
Others? (Please describe)	
Is the event open to press?	

Contact Information

Your name:	
Telephone Number:	
Mailing Address:	
E-Mail Address:	
Cell Phone Number:	
Fax Number:	
Best way to reach you at the event?	

EPA Contact Person

Emily Atkinson, Administrative Speech Coordinator: 202-564-1850

John Millett, Communications Director: 202-564-2903

To: Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Messner, Kevin
Sent: Tue 11/14/2017 10:13:59 PM
Subject: 150g Refrigerant Charge Tech Changes

I just wanted to send another friendly reminder on the need for the technical change to allow an increase in refrigerator refrigerant charge size to 150 grams for Isobutane. Thanks for anything you can do to prioritize this.

Kevin Messner



Senior Vice President, Policy & Government Relations

Association of Home Appliance Manufacturers

1512 Willow Lane, Davis, CA 95616

1111 19th Street NW, Suite 402, Washington, DC 20036

t 202.872.5955 ext. 353 m 530.309.5629 f 202.872.9354 e kmessner@aham.org

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Tue 8/1/2017 1:45:12 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

Your Auth AUTH208536-1 was just stamped APPROVED by
SMOOT, NICOLE VERONICA.

You can access ConcurGov at: <https://cge.concursolutions.com>



To: Oren Cass[ocass@manhattan-institute.org]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Adam J White[ajwhite@stanford.edu]
From: Catanzaro, Michael J. EOP/WHO
Sent: Mon 7/24/2017 2:18:23 PM
Subject: RE: Oren Cass and Adam White

Oren, thanks for reaching out. I'd definitely like to discuss your approach, which I think is the right one. Can you meet sometime next week?

From: Oren Cass [mailto:ocass@manhattan-institute.org]
Sent: Monday, July 24, 2017 10:15 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Catanzaro, Michael J. EOP/WHO <Michael.J.Catanzaro@who.eop.gov>
Cc: Adam J White <ajwhite@stanford.edu>
Subject: RE: Oren Cass and Adam White

Thank you, Samantha.

Hi Mike, sorry for the slow follow-up. I was on vacation last week. I think we met in person during the Romney campaign, where I served as domestic policy director, and of course I have heard a lot about you from Rebecca Rosen, who handled energy and environment policy for our policy shop back then.

As Samantha mentioned, Adam and I met with her recently to discuss climate policy and she suggested it might be a good idea for us to talk with you as well. I do a lot of work on the climate issue that tries to encourage conservatives to use mainstream climate science as the starting point for their policy assessments, highlighting that the science does not actually point toward catastrophic outcomes or support the costly/ineffective policy agenda coming from the Left. Conversely, I think conservatives tend to hurt their own side when they pick fights about scientific findings where they are likely to lose.

So, given the administration's interest in reviewing/revisiting issues in climate science, I had some thoughts on how to make the exercise a constructive one that I shared with Samantha. I also think it would be worthwhile to consider the creation of adaptation-related policies that address the issue rather than a course that can seem more like refusing to discuss the issue entirely. If you think it might be useful, I'd be delighted to discuss these topics further with you.

Per Samantha's email, I've also attached here PDFs of a couple of my recent articles in Foreign Affairs and National Review that I think are most relevant and that sit behind paywalls online.

Regards,

Oren

Oren M. Cass

Senior Fellow

Manhattan Institute for Policy Research
52 Vanderbilt Avenue
New York, NY 10017
ocass@manhattan-institute.org
>www.manhattan-institute.org<

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Thursday, July 20, 2017 12:30 PM
To: Catanzaro, Michael J. EOP/WHO
Cc: Adam J White; Oren Cass
Subject: Oren Cass and Adam White

Mike,

Per our phone call yesterday, I am connecting you with Oren Cass of the Manhattan Institute, and Adam White from Stanford's Hoover Institution. We recently had a lively discussion about the climate issue, and I think it would be a great idea for you to sit down with the two of them. They are copied here – hope you can find a time to visit soon. Some of Oren's recent work is

listed below.

Best,

Samantha

Some of Oren's recent commentaries in favor of reforming climate policy:

"The Problem with Climate Catastrophizing" — *Foreign Affairs*, March 2017

"Who's the Deniers Now" — *National Review*, May 2017

"Goodbye to Paris: The Sin of Being Honest" — *Commentary*, May 2017

"We'll Never Have Paris: The climate change agreement was designed as a feel-good, do-nothing program" — *City Journal*, May 2017

"Don't Apologize for Being Honest about Climate Change" — *National Review*, June 2017

Debating President Trump's Withdrawal from the Paris Accord — NPR, June 2017

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Khary Cauthen[cauthenk@api.org]; Stephen Comstock[comstocks@api.org]; Chris Kelley[KelleyC@api.org]; Aaron P. Padilla[PadillaA@api.org]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Brian Johnson
Sent: Mon 8/14/2017 11:56:22 PM
Subject: Re: NAFTA & North American Energy Documents

Thanks!

Samantha, if you want to give me a ring tomorrow I can provide some additional flavor to this.
Direct is 682-8509

B

Brian M Johnson MPA
Director, Federal Relations
American Petroleum Institute

Please pardon brevity, sent via iPhone

On Aug 14, 2017, at 7:49 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I'm looping in our Office of Policy – Samantha and Brittany. They are our lead office for interfacing with other agencies.

Thanks for the info – this is great. Hope you are well!

From: Brian Johnson [mailto:johnsonb@api.org]
Sent: Monday, August 14, 2017 5:28 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Khary Cauthen <cauthenk@api.org>; Stephen Comstock <comstocks@api.org>; Chris Kelley <KelleyC@api.org>; Aaron P. Padilla <PadillaA@api.org>
Subject: NAFTA & North American Energy Documents

Mandy,

I hope all is well. We wanted to touch base before the first round of NAFTA negotiations and provide some updated information.

Who is the best contact at EPA that is a liaison with USTR and/or Commerce? I wanted to share the below and attached information.

We have completed a new *Energy Benefits of NAFTA* 1-pager (front and back), which is attached and now live on our website. This new document speaks to NAFTA and emphasizes the energy benefits to the US, and it is a companion to the other 1-pager on *North American Energy*, which is also attached.

You can also find our updated ISDS one-pager online, which is of great importance to the industry.

Please feel free to share this with your other colleagues and copy us if that is easier.

Thanks,

Brian

Brian M Johnson MPA

Director – Federal Relations, *Tax & Trade Portfolio*

American Petroleum Institute

1220 L Street NW

Washington, DC 20005

202.682.8509 | www.api.org

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Tue 10/24/2017 6:25:30 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

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INGE, CAROLYN Rena.

You can access ConcurGov at: <https://cge.concursolutions.com>

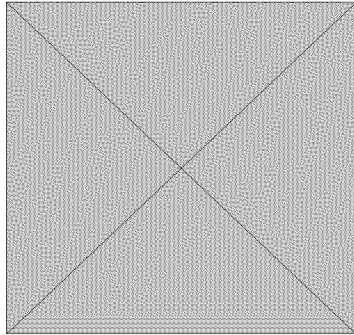


To: Dravis, Samantha[dravis.samantha@epa.gov]
From: virtualizationwebinars
Sent: Fri 12/1/2017 6:19:20 PM
Subject: [SPAM] Enterprise Storage Webinar - Win a \$1500 Amazon Gift Card

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I'm excited to invite you to our final MegaCast of 2017: Enterprise Storage! We've got a great lineup of expert presenters and new solutions lined up for Wednesday, December 6th!

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- **Cohesity** will educate you on how secondary storage resolves common storage pain points
- **Igneous** will cover their hybrid cloud storage for consolidated backup
- **Scale Computing** will educate us on the latest in hyperconvergence for the SME
- **ClearSky Data** will showcase their Storage as a Service solution and teach you how you can consume storage differently
- **Unitrends** will present their latest advancements for protecting your storage infrastructure
- **Veeam and IBM** will join us to discuss their new joint cloud-based data protection solution

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Register Your Seat

Thoughtbridge 392 Mason Rd. Milford, NH 03055 603-812-7399 Unsubscribe me from
this database.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: David Stevenson
Sent: Mon 10/16/2017 11:57:06 AM
Subject: RE: Clean Power Plan Repeal published support article

Your welcome. I have been asked to present a summary of the progress at the EPA in making much needed changes at the Heartland Conference in Houston Nov 9. I am preparing a Power Point summary. Any chance we can meet in the next week or so to discuss? I don't want to miss any key accomplishments. Thanks.

Dave

Sent from Mail for Windows 10

From: Dravis, Samantha
Sent: Monday, October 16, 2017 7:53 AM
To: David Stevenson
Subject: RE: Clean Power Plan Repeal published support article

Thanks, David!

From: David Stevenson [mailto:davidstevenson1948@gmail.com]
Sent: Monday, October 16, 2017 7:51 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Clean Power Plan Repeal published support article

Thanks for the call in update last week. My attached defense of the repeal was published in the Wilmington, DE, News Journal, the state's largest newspaper and the local paper for Joe Biden and Senator's Tom Carper and Chris Coons.

--

David T. Stevenson
Director, Center for Energy Competitiveness
Caesar Rodney Institute

www.caesarrodney.org

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Carolyn Inge
Sent: Thur 9/28/2017 5:16:31 PM
Subject: Fw: Emailing - image2017-09-28-113011.pdf
[image2017-09-28-113011.pdf](#)

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Thursday, September 28, 2017, 1:15 PM, Inge, Carolyn <Inge.Carolyn@epa.gov> wrote:

THU, SEP 28, 2017			
Samanthak Dravis HUM05Q/TSA PRECHK		SkyMiles #XXXXXX6971 GOLD/ELITEPLUS	
LGA ▶ DCA		BOARDING DOCUMENT	
NYC - LaGuardia (LGA) ▶ Washington-Reag (DCA) FLIGHT DL6153 Operated by Republic Airline		BOARDING 4:20pm	GATE* SH5 Terminal A (Marine)
		ZONE Sky	SEAT 5C Delta Comfort+ (SU)
		Depart Thu, 5:00pm Arrive Thu, 6:25pm	
<i>*Please confirm departure terminal before leaving for the airport.</i>		Fly Paperless: www.delta.com/app	
Ticket#: 006 8611711071			

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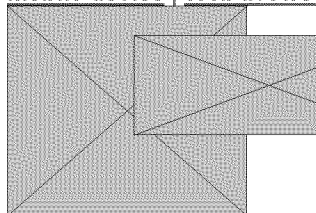
To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Gogo
Sent: Fri 8/4/2017 5:10:03 PM
Subject: [SPAM] Here's Your Gogo Receipt - Check Out Your Purchase Details! - Order #116373843TPDA

Purchase Details - Order #116373843TPDA

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Receipt Info

Customer: samantha dravis
Email Address: dravis.samantha@epa.gov
Order #: 116373843TPDA
Date: 8/04/2017 PDT

Product	Quantity	Price
30-Minute Pass	1	\$4.95

Payment Info

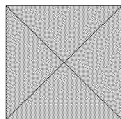
Tax : \$0.00

Total: \$4.95

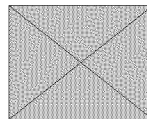
How to get online, in air.



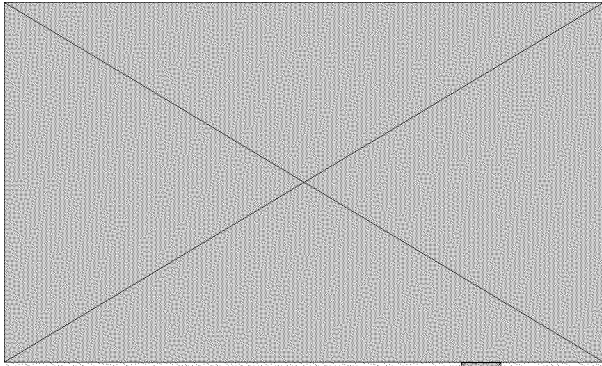
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111 N Canal St | Chicago, IL 60606 | USA

To: Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: 'Warner, Elizabeth'[elizabeth.warner@santecooper.com]; Brown, Byron[brown.byron@epa.gov]
From: Stephen Fotis
Sent: Thur 7/27/2017 8:27:25 PM
Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha – That works for me. Unfortunately, it doesn't work for Elizabeth Warner, but she has asked that I go ahead without her. I have a conference call at 5:30 PM today, but am available anytime up to that time.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Thursday, July 27, 2017 4:15 PM
To: Stephen Fotis; Greenwalt, Sarah
Cc: 'Warner, Elizabeth'; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Is it possible to try and talk today? I have some time now until 6pm.

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Thursday, July 27, 2017 4:07 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah

<greenwalt.sarah@epa.gov>

Cc: 'Warner, Elizabeth' <elizabeth.warner@santeecooper.com>; Brown, Byron

<brown.byron@epa.gov>

Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha and Byron – I know how busy you both must be, but wanted to see if we can find a time when we could briefly talk about CCRs – as follow up to Santee Cooper's conversation with Administrator Pruitt last Monday in South Carolina. The following times would work for me and Elizabeth Warner of Santee Cooper early next week: Monday, July 31 from 2 to 5 PM, and Tuesday, anytime except from 10 AM to 12 noon. Please let us know if any of those times work for your schedules.

Many thanks,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Stephen Fotis
Sent: Tuesday, July 25, 2017 11:26 AM
To: 'Dravis, Samantha'; Greenwalt, Sarah
Cc: Warner, Elizabeth; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Thanks Sarah. Samantha please let us know when it is convenient to follow up with you and Byron on the CCR issues.

Best,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Tuesday, July 25, 2017 11:24 AM
To: Greenwalt, Sarah
Cc: Stephen Fotis; Warner, Elizabeth; Brown, Byron
Subject: Re: [EXTERNAL SENDER] RE: Call

Oh ok! No problem

Sent from my iPhone

On Jul 25, 2017, at 11:23 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Sam, sorry for the confusion, but this call at 11 was to discuss something raised at our meeting the other day, not CCR. I think Stephen will be working to set up a separate call on CCR with you and Byron.

Sent from my iPhone

On Jul 25, 2017, at 11:04 AM, Stephen Fotis <scf@vnf.com> wrote:

That is fine. Why don't you call my number – 202 298-1908.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]
Sent: Tuesday, July 25, 2017 11:02 AM
To: Warner, Elizabeth
Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha
Subject: Re: [EXTERNAL SENDER] RE: Call

I am running a few minutes behind at another meeting. Sorry, if you'll give me 5 minutes that would be great.

Sent from my iPhone

On Jul 24, 2017, at 6:49 PM, Warner, Elizabeth
<elizabeth.warner@santeecooper.com> wrote:

Sarah,

11 a.m. suits Stephen and me. Should we call your office?

Thanks also for the opportunity to talk with Byron and Samantha. Stephen is

coordinating getting in touch with them quickly to share information.

Thanks,

Babs

Elizabeth Henry Warner

Vice President Legal Services and

Corporate Secretary

Santee Cooper

(843) 761-7044

ehwarner@santeecooper.com

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]

Sent: Monday, July 24, 2017 6:08 PM

To: Warner, Elizabeth

Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha

Subject: [EXTERNAL SENDER] RE: Call

WARNING: This e-mail is from an external sender. Use caution when opening attachments and clicking links.

Thank you Elizabeth! It was a very productive meeting. I'm cc'ing Byron Brown and Samantha Dravis who are very familiar with CCR. If you would please communicate to them what you were sharing with the Administrator today, that would be very helpful.

As of now, I'm free from 11-11:30 and 3:00-3:45 to discuss the other.

Thanks!

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Warner, Elizabeth [<mailto:elizabeth.warner@santeecooper.com>]

Sent: Monday, July 24, 2017 2:09 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Stephen Fotis <scf@vnf.com>

Subject: Call

Sarah,

Very nice to meet you today. Thanks for all the work you have been doing on water issues for EPA. Stephen Fotis and I are available for a call re ELG anytime tomorrow. Stephen is very familiar with the issues we discussed. We look forward to hearing from you.

Thanks,

Babs

Elizabeth Henry Warner
Vice President Legal Services and
Corporate Secretary
Santee Cooper
(843) 761-7044
ehwarner@santeecooper.com

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To: Shapiro, Mike[Shapiro.Mike@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Zomer, Jessica[Zomer.Jessica@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Rees, Sarah[rees.sarah@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Thundiyil, Karen[Thundiyil.Karen@epa.gov]; Covington, James[Covington.James@epa.gov]; Benware, Richard[Benware.Richard@epa.gov]; Allen, Ashley[Allen.Ashley@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Sandy Evalenko; **Personal Email/Ex. 6** Pritts, Jesse[Pritts.Jesse@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]
From: Neugeboren, Steven
Sent: Mon 7/17/2017 9:18:36 PM
Subject: phone found - have you set up Found My Iphone yet?

Found it buried in my stuff (wasn't on ring).

The scare prompted me to set up "find my iphone," which enables you to locate it with precision.

A couple years ago I left my personal phone on the metro on the red line. After wasting my time talking to the metro guy who tracked the train for a while and when it might come on the way back, I remembered fine my iphone, called my 12 year old son who logged on to icloud, watched the phone traveling north to shady grove, played a ring tone on it with a screen message to call him, someone did that and I had the phone 30 minutes later).

So my advice is don't delay.

<https://recomhub.com/blog/how-to-turn-on-find-my-iphone-and-ipad-in-ios-10/>

You'll need your apple ID and password to sign in to set it up and use it.

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

From: Neugeboren, Steven

Sent: Monday, July 17, 2017 4:30 PM

To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Rees, Sarah <rees.sarah@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>; Covington, James <Covington.James@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Sandy Evalenko Personal Email/Ex. 6 Pritts, Jesse <Pritts.Jesse@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>

Subject: phone seen in 3233 after steam meeting?

Importance: High

It's mine. Heading back. Pls call me at Personal Phone/Ex. 6 if you found it. Thanks!

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

-----Original Appointment-----

From: Shapiro, Mike

Sent: Tuesday, May 09, 2017 10:44 AM

To: Shapiro, Mike; Greenwalt, Sarah; Southerland, Elizabeth; Wood, Robert; Matuszko, Jan; Jordan, Ronald; Neugeboren, Steven; Fotouhi, David; Levine, MaryEllen; Zomer, Jessica; Dravis, Samantha; Bolen, Brittany

Cc: Rees, Sarah; Brown, Byron; Thundiyil, Karen; Covington, James; Benware, Richard; Allen, Ashley; Sawyers, Andrew; Sandy Evalenko; Pritts, Jesse; Forsgren, Lee; Best-Wong, Benita; Zobrist, Marcus

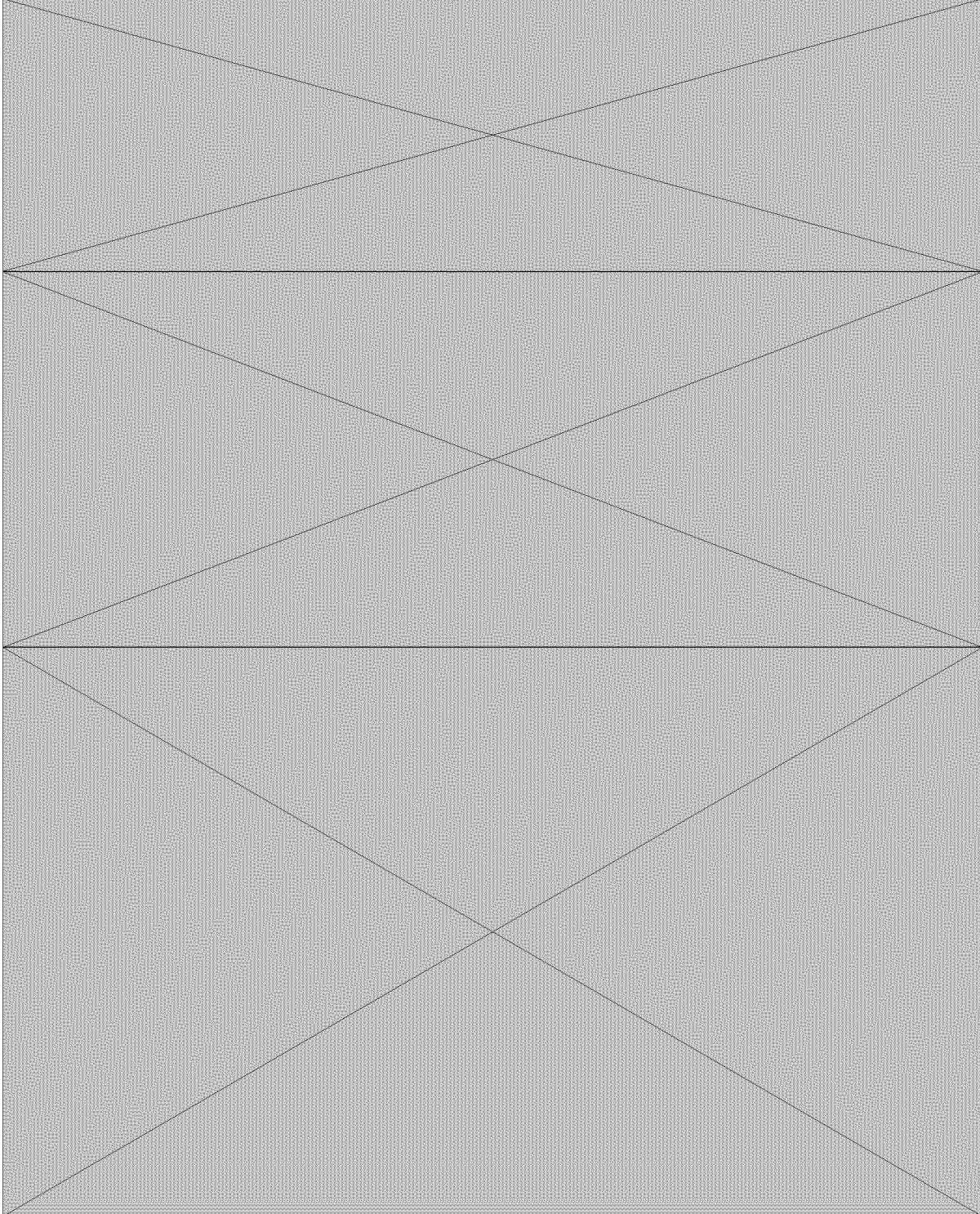
Subject: Reconsideration of Steam Electric ELGs

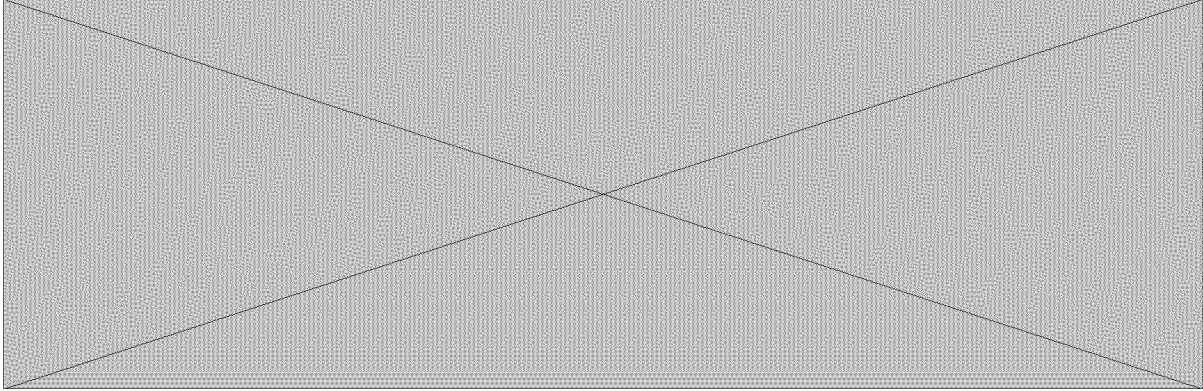
When: Monday, July 17, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 3233 WJCE Call in Ex. 6 - Personal Privacy passcode Ex. 6 - Personal Privacy

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: CapitolFile=ModernLuxury.com@reply.bronto.com
Sent: Tue 10/10/2017 9:45:49 PM
Subject: Event Reminder: Darryl Carter Model Grand Opening Tomorrow

If you are having trouble reading this email, you may [view the online version](#)





This email was sent to dravis.samantha@epa.gov by Modern Luxury
40 Fulton Street, 11th Floor | New York | NY | 10038

Contact emailmarketing@greengale.com if you would like to contact us regarding this email,
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Mon 7/3/2017 8:01:26 PM
Subject: ConcurGov Correspondence

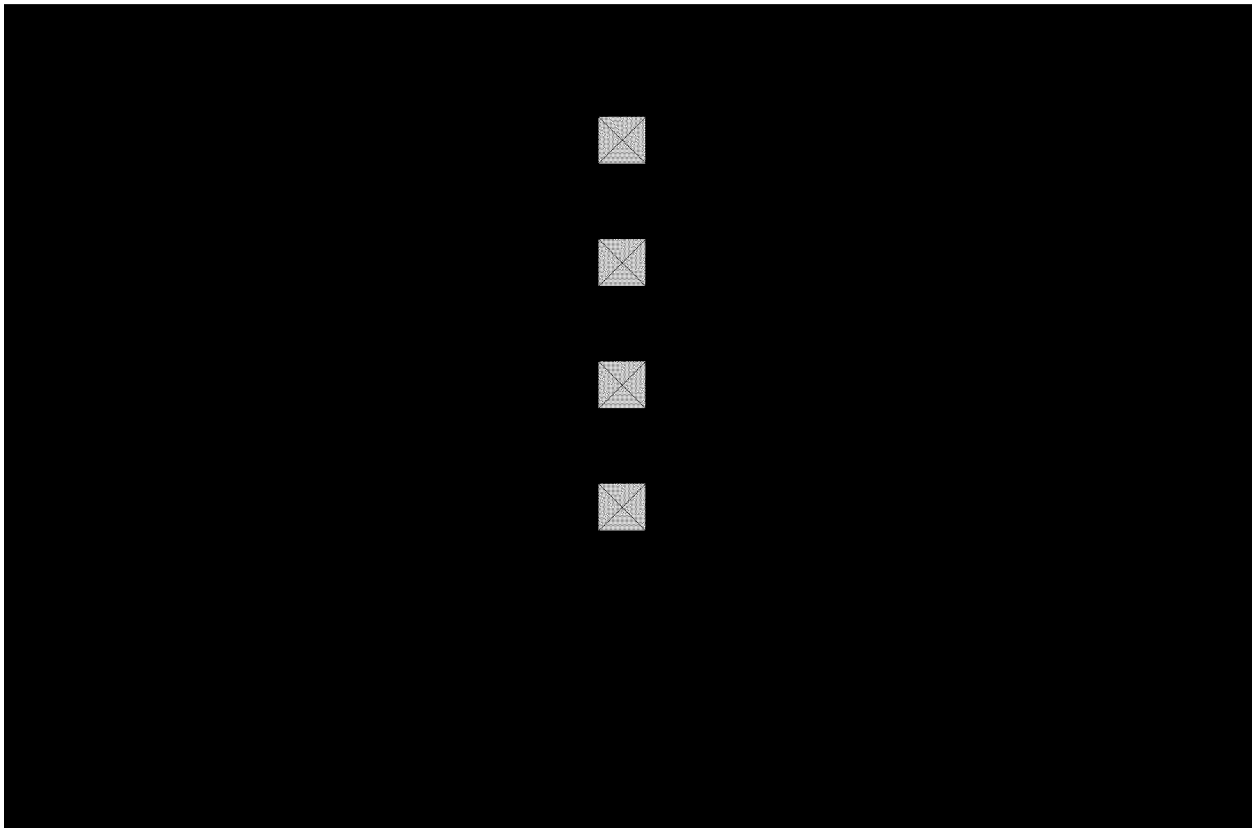
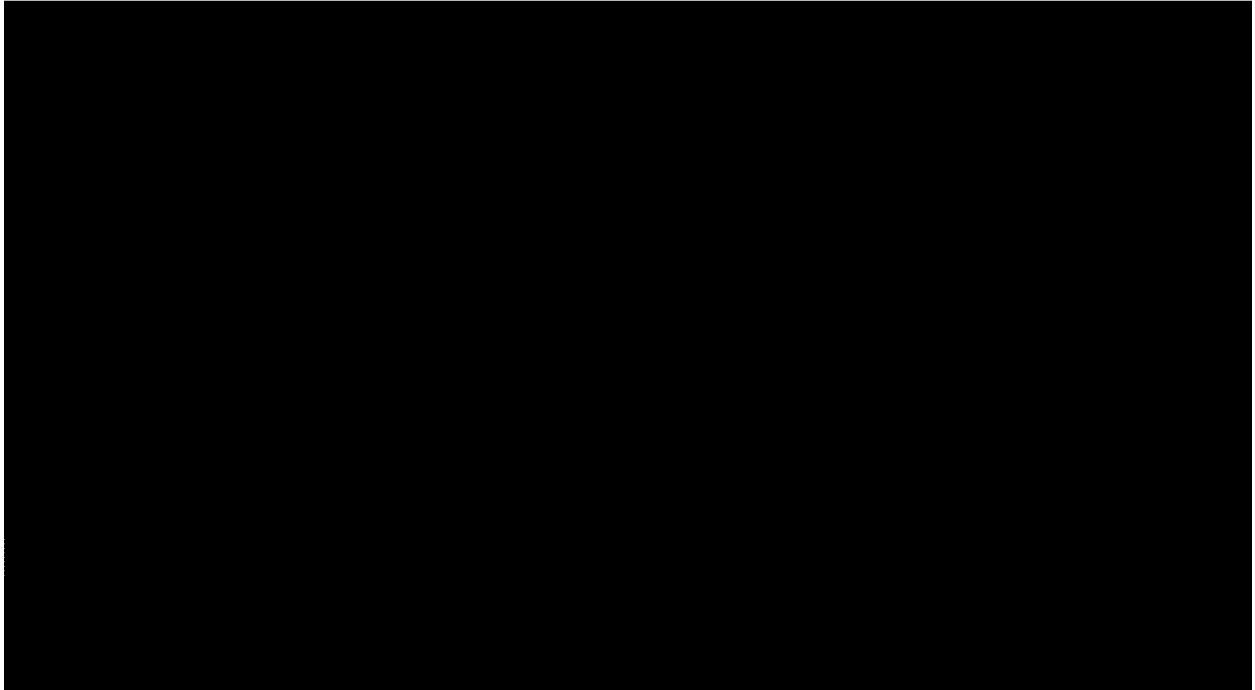
dravis.samantha@epa.gov

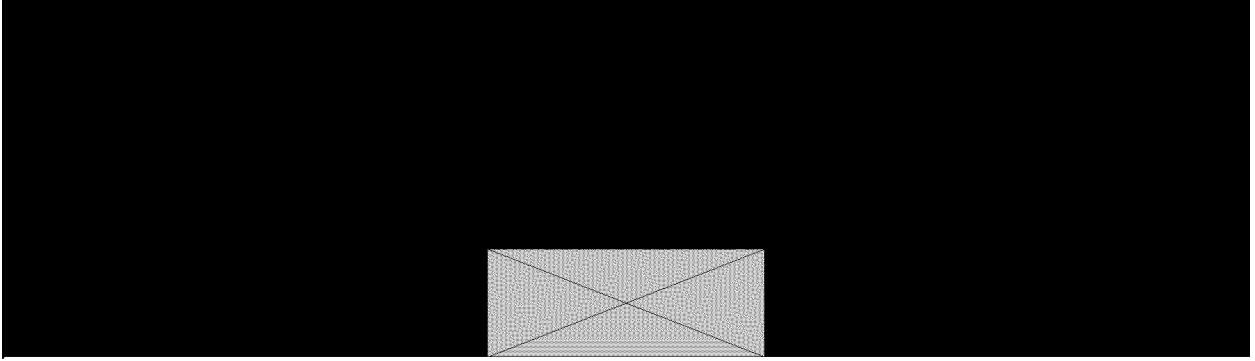
A Concur document for SAMANTHA DRAVIS, TAA04OFG, Auth with a trip departure date of 07/06/17 has been stamped CREATED by SAMANTHA DRAVIS and is now awaiting your action.

You can access ConcurGov at: <https://cge.concursolutions.com>

□

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: ECOS
Sent: Wed 11/22/2017 4:03:19 PM
Subject: ECOS Seeking Executive Director





To: Catanzaro, Michael J. EOP/WHO[Michael.J.Catanzaro@who.eop.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Loren Smith (loren.smith@dot.gov)[loren.smith@dot.gov]; Owens, James (OST)[j.owens@dot.gov]
From: David Schwietert
Sent: Tue 8/1/2017 1:41:18 PM
Subject: Mitch Bainwol Presentation in Michigan later today - Auto outlook and MTR/CAFE

Mike,

Hope you are well.

Pasted below is the 40 slide Powerpoint that Mitch will be using later today at the CAR Management Briefing Seminar that's taking place in Traverse City, Michigan through August 3rd. I wanted to pass this along to you and others due to on-going work regarding the Mid Term Review for auto fuel economy standards.

●□□□□□□□□

<https://spaces.hightail.com/receive/X0YF6AJuHC/c2hbbGxAYXV0b2FsbGlhbmNlLm9yZw==>

In particular, Mitch will take part in an afternoon session Titled: "Fuel Economy and Greenhouse Gas Emissions: Where does Policy go now? And, will the Market Follow?"

The afternoon panel includes a host of auto sector speakers, including Chris Grundler from EPA and Annette Hebert from CARB.

The information in Mitch's presentation includes updated polling on consumer behaviors regarding automobiles and fuel economy, autonomous vehicles, car sharing and safety. Because of the event's focus on fuel economy, I suspect some of his remarks could be included in news articles later today.

I would draw your attention to slide 34 which underscores for discussion purposes the very narrow difference between the projected fuel economy numbers starting in MY 2022 versus what was projected in the Joint Final Rule in 2012. These projections are strictly for discussion

purposes and aren't part of any formal recommendations from the Alliance or our members. However, I think you will see the narrow difference in fuel savings should there be an alteration in overall fuel economy as the Administration reviews the EPA's hastily prepared GHG Final Determination and as NHTSA/DOT works on a future NPRM for CAFE Standards for MY 2022-2025.

Also, slide 38-39 are also worth taking a look at since reporters are likely to focus on why there's a benefit for the auto sector, the federal government and California to find a "deal" that alters the previously anticipated compliance requirements due to a host of factors (cost, technology, consumer acceptance, etc) that we feel weren't adequately evaluated as part of the Mid Term Review.

Please let me know if you have any questions.

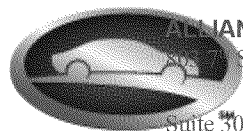
Thanks,

Dave

David Schwietert

Executive Vice President, Federal Government Relations & Public Policy

P: 202-326-5521 | dschwietert@autoalliance.org



ALLIANCE OF AUTOMOBILE MANUFACTURERS

2000 7th Street, NW Main Phone: 202-326-5500

Suite 300

Main Fax: 202-326-5567

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Washington, DC
20001

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most powerful engines driving the U.S. economy, [click here](#).*

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Chris Scheich
Sent: Fri 11/17/2017 11:40:49 AM
Subject: Design, Implement and ATO Cloud Platform in less than 6 Months

Not rendering correctly? View this email as a web page [here](#)

Hi Samantha,

Below is a recent success story that I think you will find valuable:

The Challenge

A large federal agency, with an IT budget that is shrinking annually, was seeking to upgrade their aging fleet of applications and further increase the agency's efficiency executing upon its mission. The agency has approximately 200 in-house applications that are a range of home-grown systems, COTS implementations, and custom developed applications. One of the primary challenges facing the agency is that data is not widely available across all its applications. This means that not all the agencies data is readily available at any given time. Secondly, not all required personnel have access, or sometimes even knowledge, of all the systems and data that are at their disposal.

Constraints such as these can hang up an audit or an investigation for months, without even factoring in the effort and challenge of maintaining legacy systems to the edge of SLA requirements. These are not uncommon challenges and the good news is, there are many avenues from which to choose.

Solution

To solve these mission critical challenges the agency embarked on a cloud adoption trajectory to augment and eventually replace in-house legacy applications with cloud-native applications. The first Cloud Service Provider (CSP) selected is Amazon Web Services (AWS). The agency brought in Oteemo to lead its AWS adoption efforts. Once on the project Oteemo very quickly developed and received approval on what is now the agency's cloud adoption strategy. In addition, Oteemo delivered designs for and implemented the agency's network architecture. This includes the AWS Direct Connect designs, multi-AWS account designs, and various production-grade VPC designs.

To power these new design paradigms, Oteemo implemented an advanced level of automation on systems provisioning, platform and software deployments, and even collaborative documentation. Leveraging Ansible allows Oteemo to automate the cloud infrastructure, and platform and software deployments. Leveraging a combination of git, build servers, and open source utilities enables the agency to avoid lengthy document generation sessions. System Security Plans (SSP) and other lengthy documents can be contributed to by several parties, version controlled much like code, and merged to create a completed document in very little time, allowing teams to correct and iterate more efficiently.

Results

- Production-grade cloud architecture allows the agency to grow, build, and deploy new applications with greater efficiency.
- Less than 6 months from no cloud to ATO, with platform tools and custom application.
- Enabled the on-time delivery customer desired dashboard and business intelligence (BI) utilities. Successfully completed the initial phase of the agency's new cloud services strategy.
- Expansion of ATO boundary to include additional application functionalities, tools, and AWS services underway.

Sincerely,

Chris Scheich

Phone: 703-282-1636

Email: chris@oteemo.com

Oteemo, Inc. 10701 Parkridge Blvd Suite 150 Reston VA 20191 United States

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To: Brian Johnson[johnsonb@api.org]
Cc: Khary Cauthen[cauthenk@api.org]; Stephen Comstock[comstocks@api.org]; Chris Kelley[KelleyC@api.org]; Aaron P. Padilla[PadillaA@api.org]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Gunasekara, Mandy
Sent: Mon 8/14/2017 11:49:03 PM
Subject: RE: NAFTA & North American Energy Documents

I'm looping in our Office of Policy – Samantha and Brittany. They are our lead office for interfacing with other agencies.

Thanks for the info – this is great. Hope you are well!

From: Brian Johnson [mailto:johnsonb@api.org]
Sent: Monday, August 14, 2017 5:28 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Khary Cauthen <cauthenk@api.org>; Stephen Comstock <comstocks@api.org>; Chris Kelley <KelleyC@api.org>; Aaron P. Padilla <PadillaA@api.org>
Subject: NAFTA & North American Energy Documents

Mandy,

I hope all is well. We wanted to touch base before the first round of NAFTA negotiations and provide some updated information.

Who is the best contact at EPA that is a liaison with USTR and/or Commerce? I wanted to share the below and attached information.

We have completed a new *Energy Benefits of NAFTA* 1-pager (front and back), which is attached and now [live on our website](#). This new document speaks to NAFTA and emphasizes the energy benefits to the US, and it is a companion to the other 1-pager on *North American Energy*, which is also attached.

You can also find our updated ISDS one-pager online, which is of great importance to the industry.

Please feel free to share this with your other colleagues and copy us if that is easier.

Thanks,

Brian

Brian M Johnson MPA

Director – Federal Relations, *Tax & Trade Portfolio*

American Petroleum Institute

1220 L Street NW

Washington, DC 20005

202.682.8509 | www.api.org

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov];
Personal Email/Ex. 6
From: Concur Travel
Sent: Tue 10/24/2017 6:23:07 PM
Subject: Concur Itinerary 10/26/2017: TRIP FROM WASHINGTON TO NEW ORLEANS (XKRRJ6)
[DCA-MSY.ics](#)
[MSY-DCA.ics](#)
[Le Meridien New Orleans.vcf](#)

Trip Overview

Trip Name: Trip from Washington to New Orleans
Start Date: October 26, 2017
End Date: October 27, 2017
Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)
Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.
Agency Record Locator: XKRRJ6
Passengers: Samantha K Dravis
Total Estimated Cost: **\$1,054.60 USD**
Important: Reservations must be approved and ticketed no later than: 10/25/2017 5:59 PM Eastern
The trip will be automatically cancelled if it is not approved before the deadline.
Agency Name: BCD_EPA

Reservations

Thursday, October 26, 2017



Flight Washington, DC (DCA) to Atlanta, GA (ATL)

Delta 2158

Departure: 04:15 PM	Confirmation: HCVUWD
Seat: No seat assignment	Status: Confirmed
Ronald Reagan National Arpt (DCA)	Air Frequent Flyer Number: DL-6982016971
Arrival: 06:11 PM	
Hartsfield Intl Arpt (ATL)	

Additional Details

Distance: 546 miles
Emissions: 234.8 lbs CO₂
Cabin: Economy (Y)

Remarks

FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM



1 hr, 22 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to New Orleans, LA (MSY)

Delta 2476

Departure: 07:33 PM

Seat: No seat assignment

Hartsfield Intl Arpt (ATL)

Arrival: 08:07 PM

Louis Armstrong Intl Arpt (MSY)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 424 miles

Emissions: 182.3 lbs CO₂

Cabin: Economy (H)



Le Meridien New Orleans

333 Poydras St

New Orleans, Louisiana, 70130

US

504-525-9444

Checking In: Thu Oct 26

Room 1, Days 1, Guests 1

Checking Out: Fri Oct 27

Confirmation: 492269465

Status: **Confirmed**

Additional Information

Daily Rate: **\$142.00 USD**

Total Rate: **\$142.00 USD**

Room Details

Room Description: RoomDescriptionCodeB2QXVU



Friday, October 27, 2017



Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)

Delta 1277

Departure: 05:55 PM

Seat: No seat assignment

Louis Armstrong Intl Arpt
(MSY)

Arrival: 08:22 PM

Hartsfield Intl Arpt (ATL)

Additional Details

Distance: 424 miles

Emissions: 182.3 lbs CO₂

Cabin: Economy (K)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971



1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)

Delta 2612

Departure: 10:05 PM

Seat: No seat assignment

Hartsfield Intl Arpt (ATL)

Arrival: 11:46 PM

Ronald Reagan National Arpt
(DCA)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 546 miles

Emissions: 234.8 lbs CO₂

Cabin: Economy (K)



Total Estimated Cost

Air

Airfare quoted amount: \$806.51 USD

Taxes and fees: \$106.09 USD

Air Total Price: \$912.60 USD

Hotel: \$142.00 USD

Total Estimated Cost: \$1,054.60 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/PPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

Flight# DL2158 from DCA -> ATL
(1 hour and 56 m ins.) Layover of 1 hour and 22 mins.
Flight# 247 6 from ATL -> MSY
(1 hour and 34 mins.)

20171026T201500Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20171026T201500Z

End Date/Time

20171027T010700Z

DTSTAMP

20171026T201500Z

Location

Summary

Flight# DL2158 from DCA -> ATL
(1 hour and 56 m ins.) Layover of 1 hour and 22 mins. Flight# 247 6 from ATL -> MSY
(1 hour and 34 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.

Agency Record Locator: XKRRJ6

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 1,054.60 USD

Important: Reservations must be approved and ticketed no later than: 10/25/2017 5:59 PM Eastern

The trip will be automatically canceled if it is not approved before the deadline.

Agency Name: BCD\_EPA

**Reservations**

~~~~~ \nThursday, October 26, 2017

Flight Washington, DC (DCA) to Atlanta, GA (ATL)
.....

Delta 2158

Departure: 04:15 PM
Seat: No seat assignment
Ronald Reagan National Airport (DCA)
Arrival: 06:11 PM
Hartsfield Intl Airport (ATL)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO₂
Cabin: Economy (Y)
Remarks
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS /LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

1 hr, 22 min layover at Hartsfield Intl Airport (ATL)

Flight Atlanta, GA (ATL) to New Orleans, LA (MSY)
.....

Delta 2476

Departure: 07:33 PM
Seat: No seat assignment
Hartsfield Intl Airport (ATL)
Arrival: 08:07 PM
Louis Armstrong Intl Airport (MSY)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance : 424 miles
Emissions: 182.3 lbs CO₂
Cabin: Economy (H)

Le Meridien New Orleans
.....

333 Poydras St
New Orleans, Louisiana, 70130
US
504-525-9444

Checkin In: Thu Oct 26
Room 1, Days 1, Guests 1
Checking Out: Fri Oct 27
Confirmation: 492269465
Status: Confirmed
Daily Rate: \$ 142.00 USD
Total Rate: \$ 142.00 USD
Room Details
Room Description: RoomDescriptionCodeB2QXVU

Friday, October 27, 2017

Flight New Orleans, LA (MSY) to Atlanta, GA (ATL) \n Delta 1277

Departure: 05:55 PM
Seat: No seat assignment
Louis Armstrong Intl Arpt (MSY)
Arrival: 08:22 PM
Hartsfield Intl Arpt (ATL)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 424 miles \nEmissions: 182.3 lbs CO 2
Cabin: Economy (K)

1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)

Delta 2612

Departure: 10:05 PM
Seat: No seat assignment
Hartsfield Intl Arpt (ATL)
Arrival: 11:46 PM
Ronald Reagan National Arpt (DCA)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO 2 \nCabin: Economy (K)

Total Estimated Cost

Air

Airfare quoted amount: \$ 806.51 USD

Taxes and fees: \$ 106.09 USD

Air Total Price: \$ 912.60 USD

Hotel: \$ 142.00 USD

Total Estimated Cost: \$ 1,054.60 USD \n

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL
TICKETS ARE ISSUED. \nRemarks

~~~~~  
FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT  
THE BCD TRAVEL TEAM AT 1-866-964-1346

FOR OUTSIDE THE US CALL COLLECT 770-829-2609 \nFOR THE HEARING IMPAIRED- PLEASE  
DIAL 711

TO ACCESS RELAY SERVICE- PROVIDE PHONE  
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

\*\*\*\*\*

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CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST  
48 HOURS PRIOR TO SCHEDULED DEPARTURE  
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN  
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS  
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.  
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO  
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC  
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE  
RESERVATIONS REQUIRE SEPARATE AIR TICKETS. \n\*\*\*\*\*

**UID**

XKRRJ6-2017-10-26T20:15:00.000Z-2017-10-27T01:07:00.000Z@concursolutions.com

**Priority**

3

**Time Transparency**

OPAQUE

**TRIGGER**

-PT180M

**REPEAT**

2

**DURATION**

PT60M

**ACTION**

DISPLAY

**Description**

3 Hours to your flight DCA -> MSY

## Le Meridien New Orleans

333 Poydras St,;New Orleans;Louisiana;70130;US

504-525-9444 ( Work Voice )

504-581-7179 ( Work Fax )

### Version

2.1

### Organization

Le Meridien New Orleans

Telephone Number ( Work Voice )

504-525-9444

Telephone Number ( Work Fax )

504-581-7179

Address ( Work )

*P.O. Address:*

*Extended Address:*

*Street:* 333 Poydras St,

*Locality:* New Orleans

*Region:* Louisiana

*Postal Code:* 70130

*Country:* US

Delivery Label ( Work )

333 Poydras St,;New Orleans;Louisiana;70130;US

### Comment

Checkin Time: 15:00

Checkout Time: 12:00

Directions to Hotel:

Direction To The Property From East - Take I-10 To Canal Street/superdome Exit. Turn Right On Canal. .go 10 Blocks..turn Right On Tchoupitoulas Street..go 2 Blocks . Left On Poydras Street..go 1 Block. Left On South Peter.. Hotel On Corner. Direction To The Property From West - Take I-10 To The Poydras Street/superdome Exit. Go Straight On Poydras For Approximately 12 Blocks. Hotel Is On The Left At The Corner Of South Peters And Poydras Street.

### Last Revision

10/24/2017 2:23:07 PM

**Flight# DL1277 from MSY -> ATL**  
**(1 hour and 27 m ins.) Layover of 1 hour and 43 mins.**  
**Flight# 261 2 from ATL -> DCA**  
**(1 hour and 41 mins.)**

**20171027T225500Z**

**Version**

2.0

**METHOD**

PUBLISH

**Start Date/Time**

20171027T225500Z

**End Date/Time**

20171028T034600Z

**DTSTAMP**

20171027T225500Z

**Location**

**Summary**

Flight# DL1277 from MSY -> ATL  
(1 hour and 27 m ins.) Layover of 1 hour and 43 mins. Flight# 261 2 from ATL -> DCA  
(1 hour and 41 mins.)

**Description**

Trip Overview

~~~~~

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.

Agency Record Locator: XKRRJ6

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 1,054.60 USD

Important: Reservations must be approved and ticketed no later than: 10/25/2017 5:59 PM Eastern

The trip will be automatically canceled if it is not approved before the deadline.

Agency Name: BCD_EPA

Reservations

~~~~~ \nThursday, October 26, 2017

-----

Flight Washington, DC (DCA) to Atlanta, GA (ATL)  
.....

Delta 2158

Departure: 04:15 PM  
Seat: No seat assignment  
Ronald Reagan National Airport (DCA)  
Arrival: 06:11 PM  
Hartsfield Intl Airport (ATL)  
Confirmation: HCVUWD  
Status: Confirmed  
Air Frequent Flyer Number: DL-6982016971  
Distance: 546 miles  
Emissions: 234.8 lbs CO<sub>2</sub>  
Cabin: Economy (Y)  
Remarks  
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE  
CHECK-IN/RESTRICTIONS /LIMITATIONS/SECURITY.  
PLEASE CHECK WWW.DELTA.COM

1 hr, 22 min layover at Hartsfield Intl Airport (ATL)

Flight Atlanta, GA (ATL) to New Orleans, LA (MSY)  
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Delta 2476

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Emissions: 182.3 lbs CO<sub>2</sub>  
Cabin: Economy (H)

Le Meridien New Orleans  
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333 Poydras St  
New Orleans, Louisiana, 70130  
US  
504-525-9444

Check In: Thu Oct 26  
Room 1, Days 1, Guests 1  
Checking Out: Fri Oct 27  
Confirmation: 492269465  
Status: Confirmed  
Daily Rate: \$ 142.00 USD  
Total Rate: \$ 142.00 USD  
Room Details  
Room Description: RoomDescriptionCodeB2QXVU

Friday, October 27, 2017

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Hotel: \$ 142.00 USD

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TO ACCESS RELAY SERVICE- PROVIDE PHONE
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DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR

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UID

XKRRJ6-2017-10-27T22:55:00.000Z-2017-10-28T03:46:00.000Z@concurrency.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight MSY -> DCA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Michael Tobin, Clear Law Institute
Sent: Wed 12/6/2017 1:48:05 PM
Subject: Dealing with Motions to Dismiss in the Era of Twombly and Iqbal

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Dealing with Motions to Dismiss in the Era of Twombly and Iqbal

December

18

1 pm - 2:30 pm ET

Presenter: [Dan Shulman](#), principal at Gray Plant Mooty

Credits: CLE in all states ([Credit Details](#))

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Our Mailing Address:

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This email was sent to dravis.samantha@epa.gov. If you are receiving it in error, please reply to this email.

To: Pruitt, Scott[Pruitt.Scott@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; millan.hupp@epa.gov[millan.hupp@epa.gov]
From: Abigail Ryder
Sent: Fri 12/1/2017 5:44:50 PM
Subject: RE: Keynote Speaking Invitation Scott Pruitt - World Agri-Tech Innovation Summit, San Francisco, March 20-21st 2018

Dear Executive Team

I wanted to follow up to find out if there was an update on my invitation for Scott Pruitt to join us at the World Agri-Tech Innovation Summit taking place on the 20-21st March 2018 at the Hilton Union Square San Francisco.

I appreciate that we are still a few months away from the Summit, however, I wanted to let you know that we have had a terrific response to the programme and have some fantastic speakers confirmed to join the programme including:

- [REDACTED] Kip Tom, Managing Member, TOM FARMS, USA
- [REDACTED] William Buckner, President & CEO, SAMUEL ROBERTS NOBLE FOUNDATION, USA
- [REDACTED] Robb Fraley, CTO, MONSANTO, USA
- [REDACTED] Howard-Yana Shapiro, Chief Agricultural Officer, MARS, USA
- [REDACTED] Paul Rea, Senior Vice President, Crop Protection division for North America, BASF
- [REDACTED] Neal Gutterson, CTO, Agriculture Division, DOWDUPONT, USA
- [REDACTED] Abe Hughes, General Manager Agriculture Division, TRIMBLE, USA
- [REDACTED] Adrian Percy, Head of R&D, BAYER CROPSCIENCE, GERMANY
- [REDACTED] James Weed, Vice President & Leader, Global Trading Analytics, CARGILL, USA
- [REDACTED] Hank Giclas, Vice President, WESTERN GROWERS ASSOCIATION, USA

- [REDACTED] Arama Kukutai, Co-founder and Partner, FINISTERE VENTURES, USA Charles Baron, Co-Founder & VP, FARMERS BUSINESS NETWORK, USA
- [REDACTED] Matt Barnard, CEO, PLENTY, USA
- [REDACTED] Zachary Bogue, Co-Managing Partner at Data Collective, DATA COLLECTIVE, USA

Please let me know if you need any further information and I very much hope that he is able to join us.

Best regards

Abigail

From: Abigail Ryder

Sent: 13 November 2017 17:18

To: 'Pruitt.scott@Epa.gov' <Pruitt.scott@Epa.gov>

Cc:

Personal Email/Ex. 6

Personal Email/Ex. 6

Subject: RE: Keynote Speaking Invitation Scott Pruitt - World Agri-Tech Innovation Summit, San Francisco, March 20-21st 2018

Dear Executive Team

Following on from my voicemail message today, I wanted to follow up on my invitation for Scott Pruitt to give the keynote opening address at the World Agri-Tech Innovation Summit on the 20th March.

Please don't hesitate to contact me if you have any questions at this stage, and I look forward to hearing from you.

Many thanks

Abigail

From: Abigail Ryder

Sent: 09 November 2017 12:07

To: Pruitt.scott@Epa.gov

Cc: [REDACTED] **Personal Email/Ex. 6**

Subject: Keynote Speaking Invitation Scott Pruitt - World Agri-Tech Innovation Summit, San Francisco, March 20-21st 2018

Dear Executive Office

We would once again like to invite the Honourable Scott Pruitt to give the keynote opening address at the World Agri-Tech Innovation Summit that forms part of the Rethink Ag & Food Week (RAFI) taking place at the **Hilton Union Square in San Francisco on the 20-21th March 2018**. The series of Summits we are hosting that week connects agri-food corporates, innovators and investors from around the world to uncover the most exciting innovations in food and agriculture and forge the right partnerships to take those solutions to market.

I have attached the draft programme for this year and our programme for the event that we hosted in San Francisco earlier this year for your interest, and please let me know if you require any further information at this stage.

Yours Sincerely

Abigail

Abigail Ryder, PhD

Senior Conference Producer I Rethink Events

abigail.ryder@rethinkevents.com I www.worldagritechinnovation.com
I www.worldagritechusa.com

+44 1273 789 913 (DD)

To: A-AND-R-DOCKET[A-AND-R-DOCKET@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; ryan.hagen@dot.gov[ryan.hagen@dot.gov]; Jeffrey.Rosen@dot.gov[Jeffrey.Rosen@dot.gov]
Cc: Glen Darbyshire[GDarbyshire@bouhan.com]; Jeff Sims[jeff@ttmanet.org]; Theodore, Elisabeth[Elisabeth.Theodore@apks.com]; Fayne, Zachary[Zachary.Fayne@apks.com]
From: Martel, Jonathan S.
Sent: Mon 6/26/2017 9:30:07 PM
Subject: TTMA Petition for Reconsideration and Stay
TTMA Petition for Reconsideration and Stay.PDF

All –

Please see attached Petition for Reconsideration and Stay on behalf of the Truck Trailer Manufacturers Association with regard to GHG and fuel economy standards for trailers. This is also being transmitted by first class mail. Thank you very much.

Sincerely,

Jonathan Martel

Jonathan S. Martel
Partner

Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW | Washington | DC 20001-3743
T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999
jonathan.martel@apks.com | www.apks.com

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<http://www.apks.com>

ARNOLD & PORTER | KAYE SCHOLER

Jonathan S. Martel
+1 202.942.5470 Direct
Jonathan.Martel@apks.com

June 26, 2017

VIA EMAIL AND U.S. MAIL

Mr. Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Mail Code: 1101A
Washington, DC 20460

Mr. Jack Danielson, Acting Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

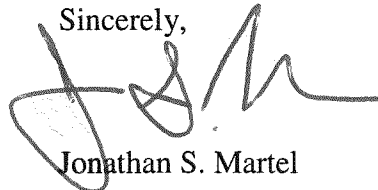
Re: Truck Trailer Manufacturers Association Petition for Reconsideration and
Stay of GHG and Fuel Efficiency Standards -- Docket No. EPA-HQ-
OAR-2014-0827

Dear Administrator Pruitt and Acting Deputy Administrator Danielson:

Enclosed please find the Truck Trailer Manufacturer Association's supplemental petition for reconsideration and a stay of the EPA and NHTSA final rule titled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2." A copy of this petition has been electronically mailed to the Office of Air and Radiation Docket Center for filing in Docket No. EPA-HQ-OAR-2014-0827 and has been mailed to NHTSA's Docket Operations office for filing in Docket No. NHTSA-2014-0132.

Please contact me if you have any questions.

Sincerely,



Jonathan S. Martel

Enclosure

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND
THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

In re: Greenhouse Gas Emissions }
and Fuel Efficiency Standards for }
Medium- and Heavy-Duty Engines }
and Vehicles - Phase 2 }
_____}

SUPPLEMENT TO PETITION FOR RECONSIDERATION AND STAY

Pursuant to Section 307(d)(7)(B) of the Clean Air Act (“CAA”)¹ and Sections 553 and 705 of the Administrative Procedure Act (“APA”),² the Truck Trailer Manufacturers Association, Inc. (“TTMA”) hereby supplements its April 3, 2017 request³ that the U.S. Environmental Protection Agency (“EPA”) and National Highway Traffic Safety Administration (“NHTSA”) (collectively, the “Agencies”) reconsider and rescind the greenhouse gas (“GHG”) and fuel economy standards applicable to heavy-duty truck trailers, as promulgated in the final rule entitled *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2*, 81 Fed. Reg. 73,478 (Oct. 25, 2016) (“Final Rule”). TTMA further requests in the interim that EPA stay the implementation date of the new GHG standards applicable to trailers, currently set for January 1, 2018.

This is the first time that EPA and NHTSA have sought to impose emissions and fuel economy standards on trailers, which by design are pulled by another vehicle and therefore emit no GHGs and consume no fuel. The Agencies should rescind these standards for the simple reason that they lack legal authority to adopt such standards. The Clean Air Act authorizes EPA to regulate “motor vehicles,” expressly defined as vehicles that are “self-propelled.” A trailer is not self-propelled. The rationale EPA offered in the Final Rule—that trailers may be regulated as “incomplete vehicles”—reads the definition of “motor vehicle” out of the statute. A “motor vehicle” that is “incomplete” because it is not “self-propelled” and requires a tractor to pull it is not a motor vehicle. Likewise, the Energy Independence and Security Act extends NHTSA’s fuel economy regulatory authority to “commercial medium- and heavy-duty on-highway vehicle[s],” defined to mean “an on-highway vehicle with a GVWR of 10,000 lbs or more.” GVWR, or gross *vehicle* weight rating, is the maximum load that can be carried by a vehicle,

¹ 42 U.S.C. § 7407.

² 5 U.S.C. §§ 553(e), 705.

³ On April 3, 2017, TTMA sent a letter to EPA Administrator Scott Pruitt and Department of Transportation (“DOT”) Secretary Elaine Chao requesting that the Agencies reconsider and rescind the GHG standards applicable to trailers. TTMA resubmitted the April 3 letter to EPA on April 13, 2017 in response to EPA’s Request for Comment on regulations that may be appropriate for repeal, replacement, or modification under Executive Order 13777, “Enforcing the Regulatory Reform Agenda.” See 82 Fed. Reg. 17,793 (Apr. 13, 2017). On June 1, 2017, TTMA sent a similar request to Jeffrey Rosen, DOT Regulatory Reform Officer, following his appointment to the position of Chairman of the DOT Regulatory Reform Task Force.

including the weight of the vehicle. Heavy-duty vehicles also have a gross *combined* weight rating (GCWR), which describes the maximum load that the vehicle can haul, including the weight of a loaded trailer. The vehicles subject to NHTSA's fuel economy authority, defined by reference to GVWR, therefore exclude trailers, and TTMA fully anticipates that the D.C. Circuit would reject a theory that allows administrative agencies unilaterally to expand their regulatory reach to products that Congress expressly excluded from regulation. Beyond that, the trailer standards are arbitrary and capricious. The Agencies employed unrealistic assumptions about the speeds that trailers hauled by heavy-duty tractors travel. In addition, the Agencies failed properly to account for the additional weight of aerodynamic devices that in many circumstances would *increase* fuel consumption and also displace cargo, which would result in more trips and more emissions. Those additional trips also translate into more injuries and fatalities on U.S. roads in order to achieve negligible if any global climate benefits.

In short, the Agencies have offered a rationale that is unsupported by the statutory language and that vastly expands their regulatory reach to products that are not encompassed in the enabling statutes and that have never been subject to air pollution, GHG or fuel economy regulation before. The regulations that the Agencies have imposed will have irreparable and immediate harmful effects on the trailer manufacturing members of TTMA. Reconsideration and a stay are therefore warranted.

BACKGROUND

In October 2016, the Agencies promulgated a Final Rule establishing "Phase 2" GHG and fuel economy standards for on-road medium- and heavy-duty vehicles and engines. *See* 81 Fed. Reg. 73,478 (Oct. 25, 2016). The Final Rule includes standards applicable to a range of heavy-duty vehicles and engines, including combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. *Id.* at 73,478. As relevant here, however, the Final Rule also includes, for the first time, GHG and fuel economy standards that apply directly to *trailers* that are hauled by heavy-duty tractors. *Id.* at 73,642 ("The HD Phase 2 program represents the first time CO₂ emission and fuel consumption standards have been established for manufacturers of new trailers."). Prior to the Final Rule, neither EPA nor NHTSA regulated the GHG and fuel economy impacts of trailers, instead relying on voluntary programs (such as EPA's SmartWay Program) and market incentives to encourage manufacturers to adopt aerodynamic and other technologies that, under limited operating conditions, can reduce GHG emissions and improve fuel economy from tractors when hauling trailers equipped with these technologies.

A. The Trailer Standards and EPA Compliance Program

The new GHG and fuel economy standards mandate that certain types of trailers manufactured after January 1, 2018 (in the case of the EPA GHG standards)⁴ or January 1, 2021

⁴ *See* 81 Fed. Reg. at 74,049; 40 C.F.R. § 1037.5(h)(4). Qualifying "small manufacturers," defined to include manufacturers with fewer than 1,000 employees, are not subject to the GHG manufacturing standards until January 1, 2019, although they still must register with EPA and label as "exempt" all trailers manufactured in 2018. 81 Fed. Reg. at 74,059; 40 C.F.R. § 1037.150(c).

(in the case of the NHTSA fuel economy standards)⁵ comply with specified emission limits. These emission limits are expressed in grams of carbon dioxide (“CO₂”) per ton-mile⁶ and gallons per 1,000 ton-miles for the GHG and fuel economy standards, respectively.⁷ Of course, trailers do not themselves emit CO₂ or consume fuel for propulsion. Thus, the Final Rule requires manufacturers to calculate estimated CO₂ emissions levels and fuel consumption rates using a “compliance equation” that is specified in the regulations.⁸ According to the Agencies, this compliance equation was developed using “standard” reference tractors and thus “the regulatory standards refer to the simulated emissions and fuel consumption of a standard tractor pulling the trailer being certified.”⁹ To meet the new emission standards, trailer manufacturers must install aerodynamic devices (such as side skirts and trailer tails), low-rolling resistance tires and automatic tire inflation systems. Depending on specific trailer designs, and as the standards tighten over time under the regulations, trailer manufacturers may also be forced to utilize lightweight materials. All of these options are assigned inputs to the compliance equation.¹⁰

Trailer manufacturers must perform several steps in advance of 2018 to ensure that their trailers manufactured after January 1, 2018 comply with the new EPA GHG standards. In particular, trailer manufacturers must register on-line with the EPA Verify access system, obtain a manufacturer code, and develop and submit applications for certificates of conformity,¹¹ although the EPA has not yet developed or implemented the procedures that allow manufacturers to make these applications and does not expect to do so until roughly the end of the summer. These steps require manufacturers to assess their trailer model lines and make plans for incorporating the mandated equipment (side skirts, trailer tails, low-rolling resistance tires, automatic tire inflation and tire pressure monitoring systems, etc.) into projected customer orders. Manufacturers also must evaluate, and in some cases test, the equipment to be installed to determine the applicable inputs for the compliance equation used to calculate GHG emissions and fuel consumption for various trailer types and configurations.¹² They must project sales for 2018 and obtain a certificate of conformity from EPA before selling any Model 2018 trailers, and then they must negotiate or re-negotiate sales orders and complete custom engineering for those trailers to incorporate the necessary equipment even if their customers would not otherwise purchase it. The manufacturers must acquire GHG inventory, train employees, and re-configure

⁵ See 81 Fed. Reg. at 74,238; 49 C.F.R. 535.3(d)(5)(iv) (NHTSA standards go into effect January 1, 2021 and are voluntary for model years 2018 through 2020).

⁶ See 81 Fed. Reg. at 74,054; 40 C.F.R. § 1037.107.

⁷ See 81 Fed. Reg. at 74,255; 49 C.F.R. § 535.5(e).

⁸ See 81 Fed. Reg. at 74,073, 74259; 40 C.F.R. § 1037.515(a)(1); 49 C.F.R. § 535.6(e).

⁹ 81 Fed. Reg. at 73,647.

¹⁰ Under the EPA rules, for model years through 2026, trailer manufacturers may designate a limited number of trailers as exempt from the standards and certification requirements. See 81 Fed. Reg. at 74,060; 40 C.F.R. § 1037.150(v). As a practical matter, however, nearly all trailers will be required to meet the new GHG standards starting in 2018 (or 2019 for “small” manufacturers).

¹¹ See 81 Fed. Reg. at 74,062; 40 C.F.R. § 1037.205.

¹² See, e.g., 81 Fed. Reg. at 74,081; 40 C.F.R. § 1037.526.

assembly lines to enable production, and they must develop data collection and reporting systems to ensure compliance. Trailer manufacturers would not have to incur these costs and disruptions in customer relations and manufacturing processes but for the GHG standards for trailers.

B. TTMA Petition for Review and Correspondence with the Agencies

On December 22, 2016, TTMA filed a petition for review of the Final Rule in the U.S. Court of Appeals for the D.C. Circuit on the grounds that (1) the Agencies lack statutory authority to regulate trailers with respect to GHG emissions and fuel consumption, and (2) the Final Rule, as applied to trailers, is arbitrary and capricious because, among other reasons, the Agencies utilized unrealistic assumptions in their cost/benefit analysis and failed properly to account for the additional weight and cost of aerodynamic devices, which increase fuel consumption and displace cargo, thereby resulting in more trips, more emissions, and more accidents. *See Truck Trailer Manufacturers Association v. EPA, et al.*, No. 16-1430. That litigation is pending and, as of the date of this Petition, no briefing schedule has been set.

On April 3, 2017, TTMA sent a letter to EPA Administrator Scott Pruitt and Department of Transportation (“DOT”) Secretary Elaine Chao requesting that the Agencies reconsider and rescind the Phase 2 GHG and fuel economy standards applicable to trailers. TTMA resubmitted the April 3 letter to EPA on April 13, 2017 in response to EPA’s Request for Comment on regulations that may be appropriate for repeal, replacement, or modification under Executive Order 13777, “Enforcing the Regulatory Reform Agenda.” *See* 82 Fed. Reg. 17,793 (Apr. 13, 2017). In light of TTMA’s request, the Agencies moved for a 90-day abeyance of the D.C. Circuit litigation, which the Court granted on May 8, 2017.

ISSUES MERITING RECONSIDERATION

EPA and NHTSA should reconsider the Final Rule; in fact, they are required to do so. On March 28, 2017, President Trump issued Executive Order 13777 on Promoting Energy Independence and Economic Growth. Section 3(d) of the Executive Order mandates that all agencies review and identify actions that are related to or arose from President Obama’s June 2013 Climate Action Plan. The GHG and fuel economy trailer standards contained in the Final Rule are clearly within the scope of this Order, because the Final Rule is related to and arose from the 2013 Climate Action Plan. *See* Executive Office of the President, *The President’s Climate Action Plan* at 8 (June 2013) (addressing increased fuel economy standards for heavy-duty vehicles); *see also* 81 Fed. Reg. at 73,480 (describing the Final Rule as having been “called for” in the 2013 Climate Action Plan). The Executive Order further directs that each agency shall, as soon as practicable, publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and the policies stated in Section 1 of the Order. The Order states in its very first sentence a policy to avoid regulatory burdens that unnecessarily constrain economic growth and prevent job creation. Section 1 goes on to elaborate as policy that environmental regulations must comply with the law, have greater benefits than costs, and rely on the best available peer-reviewed science and economics. For the reasons summarized above and detailed below, the trailer requirements in the Final Rule are unlawful and conflict with these policies.

Furthermore, in seeking to justify the costs as outweighing the benefits of the Final Rule, the Agencies relied on the Obama Administration's "social cost of carbon." *See* 81 Fed. Reg. at 73875 (explaining that the Agencies "estimate the global social benefits of CO₂ emission reductions expected from the heavy-duty GHG and fuel efficiency standards using the social cost of carbon"). The March 28 Executive Order directed that the prior Administration's social cost of carbon analyses be withdrawn, and that, effective immediately, agencies shall ensure that estimates used in valuing the GHG impacts of regulations be consistent with OMB Circular A-4 (Sept. 17, 2003). The Order specifically directed that this include considering the societal benefits of reducing carbon in the United States but not the rest of the world, and a different approach to considering the appropriate discount rates. Accordingly, the Order directs a new approach, effective immediately, that is different from and in conflict with the approach the Agencies used to justify the Final Rule, including the trailer standards. The Order makes clear that the Agencies' approach is "no longer representative of government policy." Not only does this constitute a further policy reason to revisit the trailer requirements, but it constitutes centrally relevant new information requiring reconsideration of the rule under Section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B). Indeed, such reconsideration is especially acute here, where the Agencies judged the requirements as worthwhile after weighing benefits of reducing carbon—including such benefits outside of the United States—against costs that include an increase in traffic accidents and several additional highway fatalities in the United States.

REQUEST FOR CAA 307(D) STAY PENDING RECONSIDERATION

Section 307(d)(7)(B) of the CAA authorizes EPA to stay the effectiveness of a rule that it is reconsidering "for a period not to exceed three months." 42 U.S.C. § 7607(d)(7)(B). Such a stay gives the Agency time to reconsider its position and review the rule's requirements without imposing unnecessary compliance costs on regulated entities. EPA also may use a section 307(d) stay to avoid any confusion caused by the Agency implementing and then subsequently revising its regulatory requirements. Staying—or, in this case, extending—the implementation date of the new GHG standards for trailers until EPA completes its reconsideration process thus avoids the otherwise imminent compliance burdens and uncertainty for the regulated industry.

TTMA respectfully requests that EPA exercise its authority under the CAA to stay the effectiveness of the GHG standards for trailers pending reconsideration to the fullest extent permissible by the Clean Air Act. The Final Rule imposes imminent and substantial compliance obligations on trailer manufacturers that have more than 1,000 employees. The new GHG standards for trailers require compliance by TTMA's members beginning January 1, 2018. *See* 81 Fed. Reg. at 74049; 40 C.F.R. § 1037.5(h)(4). For 2018 trailer production, these new GHG standards will mandate installation of side skirts, trailer tails, low rolling resistance tires, and tire pressure inflation/monitoring systems on nearly all trailers manufactured and sold in the United States by TTMA's members.¹³ As explained in more detail below, trailer manufacturers must

¹³ As noted, qualifying small manufacturers are exempt from the GHG manufacturing standards until January 1, 2019, although they must still register with EPA and label their 2018 Model trailers as exempt. *See* 81 Fed. Reg. at 74,059; 40 C.F.R. § 1037.150(c). Other manufacturers

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take steps well before January 1, 2018 to comply with these new EPA requirements. Staying the rule during reconsideration—by extending the January 1, 2018 implementation date for the EPA trailer standards—will avoid imposing these compliance costs prematurely and avoid confusion and disruption among the regulated industry. In short, a stay would afford EPA the time necessary fully to reconsider the Final Rule without adversely affecting the regulated industry.

REQUEST FOR APA 705 STAY PENDING JUDICIAL REVIEW

In addition to this petition for reconsideration, TTMA has filed a petition for review in the U.S. Court of Appeals for the D.C. Circuit challenging the Final Rule on the grounds that the new GHG and fuel economy standards applicable to trailers exceed the scope of EPA and NHTSA's statutory authorities and the Agencies did not adequately consider costs or properly assess benefits when promulgating these new standards. While judicial review is pending, Section 705 of the APA allows EPA to stay the effective date of a final rule if it "finds that justice so requires." 5 U.S.C. § 705. TTMA requests that EPA make such a finding here.

Both EPA and the courts have applied a four-part test to determine whether "justice so requires" a stay of agency action pending judicial review. Under that test, the Agency must consider: (1) whether there is a likelihood of success on the merits of the judicial challenge, (2) irreparable harm to the moving party if the stay is not granted, (3) the potential for harm to others if the stay is granted, and (4) whether the public interest weighs in favor of granting the stay. *Sierra Club v. Jackson*, 833 F. Supp. 2d 11, 30 (D.D.C. 2012). As explained below, each of these factors weighs in favor of staying this Final Rule as applied to trailers until the resolution of judicial review.

A. TTMA's Challenge is Likely to Succeed on the Merits

The TTMA's petition for review is likely to succeed on the merits. Principally, the Clean Air Act makes manifestly clear that EPA lacks authority to regulate trailers. Even if EPA had such authority, the rule would be invalid because it is arbitrary and capricious.

1. EPA Lacks Authority To Regulate Trailers

EPA claims that it has authority to regulate trailers under Section 202 of the Clean Air Act, which authorizes EPA to prescribe "standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines ..., whether such vehicles and engines are designed as complete systems or incorporate devices to prevent or control such pollution." 42 U.S.C. § 7521(a)(1). But the Act defines the term "motor vehicle" to mean "any self-propelled vehicle designed for transporting persons or property on a street or highway." *Id.* § 7550(2). It is undisputed that a trailer is not self-propelled. That should be the end of the matter. If a trailer is not self-propelled, it is not a motor vehicle under § 7550(2), and the EPA may not regulate it under § 7521(a)(1).

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can exempt up to 20 percent of their annual production, subject to caps of 350 units for box van trailers and 250 units for non-box trailers. *See* 81 Fed. Reg. at 74,060; 40 C.F.R. § 1037.150(v).

In the Final Rule, EPA argues that a trailer is something called an “incomplete vehicle,” a term that appears nowhere in the Clean Air Act. EPA argues that it can regulate “incomplete vehicles” because the Act applies “whether [motor vehicles] and [motor vehicle] engines are designed as complete systems or incorporate devices to prevent or control such pollution.” § 7521(a)(1). This statutory language does just what it says: it provides authority to regulate motor vehicles or engines that are not complete *systems*, in the sense that they incorporate pollution-controlling devices. But a vehicle that is not “designed as [a] complete system[]” because it contains a pollution-controlling device is nonetheless self-propelled, and it is still a motor vehicle. The Act’s grant of regulatory power over motor vehicles that incorporate pollution-controlling devices does not somehow implicitly signal that EPA also can regulate products that are *not* motor vehicles. Indeed, if EPA’s analysis were correct, the phrase “motor vehicle engine” in § 7521(a)(1) would be entirely superfluous. After all, under EPA’s theory, an engine is as much an “incomplete vehicle” as a trailer. If Congress had intended to authorize the regulation of “incomplete vehicles” in a manner that would encompass trailers, the statute would have said so.

The Final Rule describes three other statutory provisions as “incomplete vehicle provisions,” 81 Fed. Reg. 73,514, but the provisions each expressly require that “motor vehicles” meet specified requirements, rather than imposing requirements on components. *See* § 7521(a)(6) (EPA must require that “new light-duty vehicles ... be equipped with” onboard vapor recovery systems); § 7521(a)(5)(A) (“fill pipe standards for new motor vehicles”); § 7521(k) (regulations “applicable to evaporative emissions of hydrocarbons from all gasoline-fueled motor vehicles”). EPA’s statement that these provisions concern “incomplete vehicles” is puzzling at best. Of course regulating a “motor vehicle” may *impact* or even necessitate additional components or parts of that vehicle, but no normal speaker of English would conclude that, for example, a provision requiring a vehicle to contain an onboard vapor recovery system constitutes a regulation of an “incomplete vehicle.” But it is academic in any event. If EPA is correct that the Act contains specific provisions targeted at specific types of equipment that are not “motor vehicles” but rather “incomplete vehicles,” that only confirms that the grant of authority in § 7521(a) does not extend generally to *anything* the EPA might term an “incomplete vehicle.”

Even if EPA could regulate an “incomplete vehicle” under the convoluted theory that § 7521(a) refers to “systems” that are not “complete,” a trailer would not qualify. A trailer may sometimes be attached to a tractor, but that no more makes it an “incomplete vehicle” than a wagon is an “incomplete horse.” The term “incomplete” means “lacking a usually necessary part, element, or step.”¹⁴ A trailer is not a “necessary part” of a vehicle, and obviously is not “necessary” for purposes of self-propulsion, which is the defining feature of the term “motor vehicle” in the Clean Air Act. Trailers are manufactured and sold separately to different ultimate purchasers from tractors, and the same trailers are routinely attached to and hauled by many different tractors over the course of their useful life. Each tractor likewise hauls many different trailers. A particular tractor-trailer combination is thus in no sense a single motor vehicle. In fact, the EPA itself in previous rulemakings has made clear its interpretation that that trailers are

¹⁴ <https://www.merriam-webster.com/dictionary/incomplete>

not vehicles, incomplete or otherwise; instead, the tractor is the vehicle, and the trailer is not. *E.g.*, 76 Fed. Reg. 57,106, 57,114 (Sept. 15, 2011) (explaining that “gross combined weight rating ... describes the maximum load that the vehicle can haul, including the weight of a loaded trailer *and the vehicle itself*”) (emphasis added).

Indeed, the United States government has repeatedly and successfully taken the common-sense position that a trailer is not a vehicle for purposes of federal criminal laws precisely because it is not “self-propelled,” *see* 18 U.S.C. § 2311, and that this *does not change* when the trailer is attached to the truck. This theory that a trailer attached to a tractor is not a vehicle has enabled the government to charge individuals who steal a combination tractor-trailer with two crimes—stealing a vehicle (the tractor) and stealing a “good” (the trailer)—and obtain consecutive sentences. *E.g.*, *Bernard v. United States*, 872 F.2d 376, 377 (11th Cir. 1989); *United States v. Lofty*, 455 F.2d 506, 506 (4th Cir. 1972); *United States v. Kidding*, 560 F.2d 1303, 1308 (7th Cir. 1977). As the Seventh Circuit explained in adopting the United States’ argument in that context, “[c]learly a trailer, if it stands alone, is not a motor vehicle,” and the combination of the trailer and tractor does not change that result, because the “trailer was not indispensable to making the tractor a ‘vehicle.’” *Id.*

EPA’s theory that Congress silently authorized the regulation of trailers via § 7521(a)(1)’s “complete systems” language is also irreconcilable with the language of numerous other federal statutes that define the term “motor vehicle” to reach trailers expressly. *E.g.*, 40 U.S.C. § 17101(2) (“‘motor vehicle’ means a vehicle, self-propelled or drawn by mechanical power...”); 40 U.S.C. § 17501(2) (“‘motor vehicle means ... a vehicle self-propelled or drawn by mechanical power”); 18 U.S.C. § 31(a)(6) (“‘motor vehicle’ means every description of carriage or other contrivance propelled or drawn by mechanical power”); 49 U.S.C. § 30102(7) (“‘motor vehicle’ means a vehicle driven or drawn by mechanical power ...”); 49 U.S.C. 32101(7) (same); 49 U.S.C. § 30301 (“‘motor vehicle’ means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power”). Congress “knew how to provide for” regulation of trailers, *Meghrig v. KFC Western, Inc.*, 516 U.S. 479, 485 (1996), and its omission of language like “drawn by mechanical power” in the Clean Air Act confirms that it did not intend to do so here.

Finally, the “incomplete vehicle” theory would render EPA’s regulatory authority essentially limitless. EPA protests that interpreting § 7521(a)(1) to cover “incomplete vehicles” “is not to say that the Act authorizes emission standards for any part of a motor vehicle, however insignificant.” 81 Fed. Reg. 73514. But under EPA’s interpretation in the Final Rule, the Act *does* authorize the EPA to set emissions standards for any part of a motor vehicle. Nothing in the Act provides any basis upon which to distinguish between a trailer and any other component; there is no “intelligible principle” contained within the Act itself. *Mistretta v. United States*, 488 U.S. 361, 372 (1989). The Final Rule announces that a trailer “properly fall[s] on the vehicle side of the line,” 81 Fed. Reg. 73515, but this is just ipse dixit. The absence of any “intelligible principle” in the Act that sets the limits of EPA’s authority to decide what constitutes an “incomplete vehicle” is a strong indication that the Act does not in fact permit regulation of an

“incomplete vehicle.” Indeed, if EPA’s interpretation were correct, the Act would be unconstitutional under the nondelegation doctrine. *Mistretta*, 488 U.S. at 372.¹⁵

At bottom, EPA’s “incomplete vehicle” theory would vastly expand its regulatory reach to equipment that Congress expressly excluded from regulation, namely, equipment that is not self-propelled. Dubbing something an “incomplete vehicle” is just another way of saying that it is *not* a vehicle. EPA’s argument is highly unlikely to succeed on the merits.

2. The Rules are Arbitrary and Capricious

Even if EPA did have authority under the Clean Air Act to regulate trailers—and it does not—the trailer standards are arbitrary and capricious.

First, the Agencies overstated the GHG and fuel economy benefits of the trailer standards by using unrealistic and unsupported assumptions regarding the speeds at which trailers hauled by heavy-duty tractors travel. The Agencies projected GHG and fuel economy benefits from, among other things, drag reduction achieved by aerodynamic devices, which is primarily a function of vehicle speed.¹⁶ In performing their analysis, the Agencies used drive cycle weightings from the Phase 1 heavy-duty vehicle rule to characterize the percentage of vehicle miles traveled at certain speeds—below 55 miles per hour (“mph”), between 55 and 65 mph, and above 65 mph—by different types of trailers.¹⁷ Those drive cycle weightings, however, are not supported by the underlying data. In fact, although the Agencies characterized the percentage of vehicle miles traveled at speeds exceeding 65 mph, not one of the studies upon which the Agencies relied actually included a “greater than 65 mph” speed category.

¹⁵ TTMA has also petitioned for review of the fuel economy standards in the Final Rule, on the ground that NHTSA too lacked authority to regulate trailers. The Energy Independence and Security Act, which authorized NHTSA’s participation in the rulemaking, applies to “commercial medium- and heavy-duty on-highway vehicle[s],” 49 U.S.C. § 32902(k)(2), and defines that term to mean “an on-highway vehicle with a GVWR of 10,000 lbs or more,” *id.* § 32901(a)(7). That definition excludes a trailer. As EPA has recognized in prior rulemakings: “GVWR describes the maximum load that can be carried by a vehicle, including the weight of the vehicle itself. Heavy-duty vehicles also have a gross combined weight rating (GCWR), which describes the maximum load that the vehicle can haul, including the weight of a loaded trailer and the vehicle itself.” 76 Fed. Reg. 57,106, 57,114 (Sept. 15, 2011). Congress’s reference to GVWR thus excludes trailers as a textual matter. However, because TTMA is only seeking a stay of the emissions standards promulgated by the EPA because NHTSA’s mandatory standards do not take effect until January 1, 2021, there is no need to consider the TTMA’s likelihood of success on its challenge to NHTSA’s authority at this time.

¹⁶ Speed matters exponentially, as the basic drag equation uses velocity *squared*. Adding another 5 miles per hour to 50 mph input data produces a result much greater than a 10% increase. Reductions in drag calculated for aerodynamic equipment on trailers that are assumed to operate at higher than actual speeds will similarly overstate benefits.

¹⁷ EPA/NHTSA, Response to Comments for Joint Rulemaking, EPA-420-R-16-901, at 1030-31 (Aug. 2016).

The Agencies assumed that long (53-foot) dry-freight and refrigerated vans are operated at speeds exceeding 65 mph for 86 percent of the vehicle miles traveled and at speeds between 55 and 65 mph for 9 percent of the vehicle miles traveled.¹⁸ The Agencies further assumed that short dry-freight and refrigerated vans are operated at speeds exceeding 65 mph for 64 percent of the vehicle miles traveled and at speeds between 55 and 65 mph for 17 percent of the vehicle miles traveled.¹⁹ The Agencies explained that these ranges were derived from three studies: (1) an EPA MOVES analysis of Federal Highway Administration data from 1999; (2) a University of California Riverside (UCR) evaluation in 2006 of data from 270 trucks; and (3) an Oak Ridge National Laboratory study of a fleet of six trucks published in 2009.²⁰ Critically, however, not one of these studies included a “greater than 65 mph” speed category—the EPA MOVES and Oak Ridge analyses reported the fraction of vehicle miles traveled at speeds exceeding 60 mph, and the UCR analysis reported the fraction of vehicle miles traveled at speeds exceeding 45 mph.²¹ Moreover, the actual percentages used by the Agencies (86 and 9 percent for long van trailers and 64 and 17 percent for short van trailers) come directly from the EPA MOVES analysis. But the speed ranges reported in the EPA MOVES analysis were actually five mph slower—greater than 60 mph and 50 to 60 mph, respectively.²² In other words, the Agencies assumed that long van trailers travel at speeds exceeding 55 mph for 95 percent of the vehicle miles traveled based solely on data reporting that such trailers travel at speeds exceeding 50 mph for 95 percent of the vehicle miles traveled. Simply put, the Agencies selected the highest percentages for miles traveled from only one of the three cited data sources, in effect ignoring the other two, and then inflated the speed threshold for those miles traveled. As a consequence, the Agencies’ own data do not support the speed distribution ranges they used to evaluate the purported benefits of the trailer standards, thus rendering those standards themselves arbitrary and capricious.²³

¹⁸ See 81 Fed. Reg. at 73,654.

¹⁹ *Id.*

²⁰ EPA/NHTSA, Response to Comments for Joint Rulemaking, EPA-420-R-16-901, at 1030 (Aug. 2016).

²¹ *Id.* at 1031 (Table 3-14).

²² *Id.*

²³ Moreover, even if the Agencies accurately characterized the data from the EPA MOVES analysis, those data are not representative of real-world operation. The EPA MOVES data for long van trailers, for example, were recorded on “restricted access” highways. EPA/NHTSA, Response to Comments for Joint Rulemaking, EPA-420-R-16-901, at 1030 (Aug. 2016). Long van trailers are operated on all types of highways, not just those with restricted access. In fact, most non-restricted rural highways do not even allow speeds in excess of 65 mph. Utility Trailer Manufacturing Company (“Utility”) submitted data from three long-haul trucking fleets that more accurately reflect real-world operation. Comments of Utility Trailer Manufacturing Co., EPA-HQ-OAR-2014-0827-1183, at 4-7. The Agencies erroneously concluded that “the fleet data provided by Utility is not substantially different than the current GEM drive cycle weightings.” Memorandum to Docket EPA-HQ-OAR-2014-0827, “Comparison of GEM Drive Cycle Weightings and Fleet Data Provided by Utility Trailer Manufacturing Co. in Public Comments” (July 2016). The record does not support that conclusion. Whereas the Agencies

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Second, the Agencies failed to account fully for the additional weight of aerodynamic devices, which increase fuel consumption and displace cargo, resulting in more trips, more emissions, and more accidents. As described above, the GHG trailer standards will mandate that trailer manufacturers install side skirts and trailer tails, among other devices, on nearly all of the trailers they manufacture. Side skirts add, on average, about 250 pounds to the weight of a typical 53-foot trailer, and trailer tails add an additional 150 pounds.²⁴ The Agencies attempted to evaluate the impact of additional vehicle weight due to the use of aerodynamic devices,²⁵ but failed to address the effect of cargo displacement. Because motor carriers must operate below an 80,000-pound maximum weight limit for the tractor, trailer and cargo combined,²⁶ the addition of side skirts and tails would cause some trucks to “weigh-out.” Consequently, motor carriers will have to shift cargo from some of their trucks, resulting in additional trips to transport freight that could not be moved by the “weighed-out” trucks. TTMA estimates that these additional trips would cause an additional 184 million truck miles traveled per year, resulting in additional emissions as well as 246 more accidents and 7 additional fatal crashes per year.²⁷

In response to these concerns, the Agencies summarily explained that the additional weight from aerodynamic devices “can easily be offset by substituting lightweight components” elsewhere in the trailer designs.²⁸ This response is not sufficient. Motor carriers already demand that trailers weigh and cost as little as possible while still being capable of carrying the expected freight loads. Lighter-weight alternative materials (such as aluminum) are considerably more expensive than standard materials (such as steel), and often are not desired by customers. The Agencies’ unreasonably assume that trailer manufacturers required to add several hundred pounds of aerodynamic equipment to their trailers will voluntarily offset that weight by installing more expensive, light-weight technologies. If the cost of the light-weight material is not worthwhile to customers in the first instance to make room for more cargo, there is no reason to believe that they will be willing to bear that additional cost to make room for more cargo just

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determined that long van trailers travel at speeds exceeding 55 mph for 95 percent of the vehicle miles traveled, Utility’s data show that such trailers travel at speeds exceeding 55 mph for only 84 percent of the vehicle miles traveled—a difference of 11 percentage points. *Id.* at 2. The Agencies’ decision to disregard the real-world fleet data submitted by Utility was arbitrary and capricious.

²⁴ See Comments of Truck Trailer Manufacturers Association, EPA-HQ-OAR-2014-0827-1172-A1, at 7-8.

²⁵ See Memorandum to Docket EPA-HQ-OAR-2014-0827, “Impact of Additional Weight Due to Trailer Aerodynamic Devices” (July 18, 2016).

²⁶ See 23 CFR § 658.17(b).

²⁷ See Comments of Truck Trailer Manufacturers Association, EPA-HQ-OAR-2014-0827-1172-A1, at 7-8. The Agencies disagree with certain of TTMA’s assumptions and conclude that the additional truck miles will result in an increase of about three fatalities per year. EPA/NHTSA, Response to Comments for Joint Rulemaking, EPA-420-R-16-901, at 1019 (Aug. 2016).

²⁸ EPA/NHTSA, Response to Comments for Joint Rulemaking, EPA-420-R-16-901, at 1016 (Aug. 2016).

because the total cargo capacity is reduced by the aerodynamic equipment. In fact, the aerodynamic equipment consumes weight and cargo capacity, which will inexorably lead to more (and heavier) trucks in the U.S. fleet to carry the same total cargo, with the additional trucks emitting additional pollutants, adding to total truck miles traveled, and causing more accidents, injuries and fatalities.

B. TTMA's Members Will Suffer Irreparable Harm

TTMA's members face a substantial loss of business, market share, and goodwill as a consequence of the regulations, as well as irreparable compliance costs. Although the GHG regulations take effect on January 1, 2018, TTMA's members face these harms imminently. Trailers are manufactured to each customer's unique specifications, and new orders must be placed about six months in advance of actual production. Accordingly, TTMA members' customers are putting in orders for delivery in January 2018 beginning now, in June 2017.

To be in a position to produce trailers that are compliant with the GHG regulations by January 2018, TTMA's members must make far-reaching and costly changes to their business, starting now. They must identify component suppliers for the required equipment, evaluate and, where necessary, test that equipment, revise pricing and trailer option books and train sales representatives to explain the compliant option combinations to customers, add manufacturing floor space and reconfigure assembly lines, train production employees to install the new GHG equipment, and develop data collection and reporting systems to ensure compliance. One TTMA member, for example, estimates that it will incur over \$7.5 million in costs in 2017-2018 simply to provide inventory storage areas, transport the GHG equipment to its plants, modify plant facilities to enable installation of this equipment on trailers as part of its assembly lines, and secure trained employees to install the new GHG equipment on the requisite number of trailers. That figure omits costs for engineering work to evaluate all possible trailer configurations for compatibility with the new GHG regulations, the cost of administrative work needed to apply for certification and operate a compliance program, and the cost of the GHG equipment itself, and the business disruption and significant loss of efficiency while changes are made to production lines, supply chains, manufacturing protocols, and storage options. Other manufacturers, depending on their size, anticipate spending between \$300,000 and \$6.3 million in 2017-2018 on developing compliance systems and procuring and installing GHG equipment. In addition, TTMA estimates that the material and delivery costs of purchasing the new GHG equipment will exceed \$100 million annually. Even EPA assumes that its new regulations will create substantial compliance costs, including redesign, re-engineering, and identifying new suppliers.

These compliance costs qualify as irreparable harm. “[C]omplying with a regulation later held invalid almost always produces the irreparable harm of nonrecoverable compliance costs.” *Texas v. United States Envtl. Prot. Agency*, 829 F.3d 405, 433 (5th Cir. 2016) (quoting *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 220–21, 114 S.Ct. 771, 127 L.Ed.2d 29 (1994) (Scalia, J., concurring in part and in the judgment)). For example, being forced to undertake “difficult, time-consuming, and expensive safety testing regarding the safety ... of their products” and to spend “more time and significantly more money” in development is irreparable harm that “can never be recouped.” *Bracco Diagnostics, Inc. v. Shalala*, 963 F. Supp. 20, 28-29 (D.D.C. 1997). No matter what, TTMA's members will “be forced to incur large costs which, if [they] manage[]

to survive those, will disrupt and change the whole nature of [their] business in ways that most likely cannot be compensated with damages alone.” *Am. Trucking Associations, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1058 (9th Cir. 2009) (finding irreparable harm where companies would be forced to begin complying with a regulation they alleged was preempted); *see also Portland Cement Ass’n v. E.P.A.*, 665 F.3d 177, 189 (D.C. Cir. 2011) (staying portion of EPA rule because “industry should not have to build expensive new containment structures until the standard is finally determined”). TTMA’s members have no mechanism to recover these costs from the government if the GHG regulations are later held to be invalid.

Beyond compliance costs, TTMA’s members also face an irreparable loss of business relationships, market share, and goodwill. As noted, motor carriers who wish to purchase trailers equipped with side-skirts and other fuel-saving devices are already doing so; other carriers have concluded that purchasing these trailers makes no economic sense for their trucking operations. Because TTMA’s members must begin accepting orders six months ahead of delivery, most of TTMA’s members are now required to quote only compliant products to prospective customers, most of whom have so far not wanted this added equipment. Those customers will look to other trailer manufacturers who can offer exempt trailers. Preventing companies from delivering their products to customers “almost inevitably creates irreparable damage to ... good will.” *Reuters Ltd. v. UPI, Inc.*, 903 F.2d 904, 908 (2d Cir. 1990); *id.* at 909 (“irreparable harm has often consisted of the loss of customers and the competitive disadvantage that resulted from a distributor’s inability to supply its customers with the terminated product”); *Register.com, Inc. v. Verio, Inc.*, 356 F.3d 393, 404 (2d Cir. 2004) (“irreparable harm through loss of reputation, good will, and business opportunities”). The harm is especially irreparable here because not all trailer manufacturers are subject to the new regulations. Smaller manufacturers need not begin selling and installing GHG-control equipment until 2019, which means they are currently free to accept orders without the unwanted and expensive equipment. In other words, some of TTMA’s members face an imminent risk of loss of market share because, as a consequence of the new rules, their customers will *only* be able to purchase the products they prefer from other manufacturers. “It is well-established that a movant’s loss of current or future market share may constitute irreparable harm.” *Grand River Enter. Six Nations, Ltd. v. Pryor*, 481 F.3d 60, 67 (2d Cir. 2007); *Freedom Holdings, Inc. v. Spitzer*, 408 F.3d 112, 114 (2d Cir. 2005). “In a competitive industry where consumers are brand-loyal, we believe that loss of market share is a ‘potential harm which cannot be redressed by a legal or an equitable remedy following a trial.’” *Novartis Consumer Health, Inc. v. Johnson & Johnson-Merck Consumer Pharm.*, 290 F.3d 578, 596 (3d Cir. 2002).

C. No Third Parties Will Be Harmed If There is A Stay

Granting a temporary stay of the trailer standards would not cause harm to third parties because the trailer standards, even if implemented, would achieve little if any benefit to global climate change. This is because trailer manufacturers *already* install and sell the mandated technologies where those technologies are most likely to improve fuel economy and thereby reduce GHG emissions. The motor carrier industry is an extremely competitive, low-margin industry that is particularly sensitive to fuel costs and trailer weight (which impacts the amount of cargo the tractor-trailer combination can haul in light of the 80,000-pound weight limit). Consequently, motor carrier customers already pressure their trailer manufacturer suppliers to

install low-rolling resistance tires and aerodynamic equipment where the nature of their trucking operations will enable them to realize measureable fuel savings, and to reduce trailer weight where cost-effective to enable them to haul additional cargo.

Thus, because trailers are used in a variety of applications, trailer manufacturers must customize the trailers they manufacture and sell to meet their customers' specific needs. Market forces already dictate that trailer manufacturers install and sell technologies designed to reduce aerodynamic drag and road friction for applications in which such technologies are likely to materially improve fuel economy (and thus GHG emissions performance). For trailers used in long-haul applications, for example—where the tractor-trailer combination will travel long distances at high speeds—these technologies can have a significant impact on fuel consumption. A customer operating a truck fleet engaged in long-haul operations thus has a significant incentive to demand aerodynamic and friction-reducing technologies on its trailers to reduce overall fuel costs.

In contrast, aerodynamic and friction-reducing technologies do not materially reduce fuel consumption or GHG emissions during short-haul operations at lower speeds (*e.g.*, in-city deliveries, food service, etc.). For these applications, customers typically do not request, and trailer manufacturers do not install, aerodynamic and friction-reducing technologies because the costs of doing so significantly outweigh any potential benefits. The trailer standards, however, would mandate that trailer manufacturers install and sell these technologies on nearly all heavy-duty trailers, including those designated for short-haul operations. The trailer standards thus create compliance costs for trailer manufacturers and their customers without providing corresponding fuel economy or GHG benefits to third parties and the environment. Indeed, the added weight of the aerodynamic equipment in those operations will cause *greater* fuel consumption and *increased* GHG emissions.

In short, because the trailer standards provide no demonstrable benefit to third parties or the environment beyond what the trailer industry already is achieving due to market forces, this factor weighs in favor of granting a stay.

D. A Stay is In the Public Interest

Staying the effective date of the Final Rule's trailer standards also is in the public interest. If the trailer standards remain in effect during the pendency of judicial review, they will impose substantial compliance costs on regulated entities that cannot be recouped, without providing any material benefit to the general public or the environment. As addressed above, trailer manufacturers already install and sell aerodynamic and friction-reducing technologies where such technologies are likely to achieve GHG and fuel economy benefits. The Agencies have not demonstrated that mandating trailer manufacturers to install and sell such technologies on additional trailers—beyond what the trailer industry already is doing—will benefit the public. Indeed, as described above, the new trailer standards actually will have the opposite effect—they will needlessly force manufacturers to add heavy aerodynamic devices to their trailers, thereby displacing cargo and resulting in more trips to deliver the same amount of cargo, leading to increased fuel consumption, increased emissions, and increased trucking accidents in the United States. With negligible benefits for global climate change even when calculated by the

Agencies on a global basis, the American public must bear these additional costs and indeed at least several additional fatalities due to the need for more trucks on the Nation's roads to carry the same total cargo. This is contrary to the interest of the American public.

CONCLUSION

In sum, EPA and NHTSA should reconsider and rescind the GHG and fuel economy standards for heavy-duty truck trailers because such trailers are not motor vehicles and so the agencies lack authority impose such regulations on them. Even if the agencies did have such authority, they should reconsider and rescind these regulations because they arbitrarily impose requirements without properly considering whether additional aerodynamic equipment is productive at the speeds these trailers are hauled or the additional weight of such equipment that displaces cargo that must then be carried by additional trailers. Finally, EPA should immediately stay the effect of its GHG requirements for trailers, which are causing immediate and irreparable harm as trailer manufacturers must now take steps to comply with these rules for Model Year 2018.

To: Davis, Gail[Davis.Gail@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Thur 9/28/2017 4:48:57 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA053QM

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
. 09/28/2017 LGA- DL 6153* Confirmed 05:00 PM/06:25 PM Economy / V
DCA
09/27/2017 WAS/NYF EV 2172 Confirmed 04:00 PM/06:46 PM Business
PM
.

.
Delta Air Lines Flight DL6153 Economy

.
Depart: LaGuardia Airport, Terminal A Weather
New York, New York, United States
~~05:00 PM Thursday, September 28 2017~~ Weather
Arrive: Washington, District of Columbia, United States
06:25 PM Thursday, September 28 2017
.
Duration: 1 hour(s) and 25 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: HUMO5Q
Equipment: Embraer 170
*Operated By: Republic Airline-DI Connection-DI Shuttle
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K
.
Distance: 214 miles / 344.326 kilometers
CO2 Emissions: 117.7 lbs/53.5 kgs
.
Remarks: SEAT ASSIGNMENT RESTRICTED TO AIRPORT/ONLINE CHECK-IN.
.

.
Amtrak Train Number 2172

.
Depart: Union Station, United States Weather
04:00 PM Wednesday, September 27 2017
Arrive: New York Penn Station, United States Weather
06:46 PM Wednesday, September 27 2017
.
Duration: 2 hour(s) and 46 minute(s)
Class of Service: Business
Confirmation: Not Available
CO2 Emissions: Per passenger mile is approximately 0.42 lbs/0.19 kgs
.
Remarks: THIS RESERVATION HAS BEEN TICKETED WITH AMTRAK
DIRECT.
THE TICKET CAN BE PICKED UP AT THE STATION OR AT ANY
QUIK-TRAK KIOSK.
YOUR AMTRAK CONFIRMATION NUMBER IS 489F2B
TICKET COST: \$295.00
.

YOUR AMTRAK CONFIRMATION IS *489F2B*
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TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL
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PROGRAM/ CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
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CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
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YOUR TICKET FOR BOARDING
CHECK-IN TIMES ARE 90 MINUTES PRIOR TO DEPARTURE
FOR DOMESTIC FLIGHTS OR 120 MINUTES FOR INTERNATIONAL
ELECTRONIC TICKET/S/ WILL BE ISSUED FOR THIS TRIP
PENALTIES MAY APPLY FOR CHANGE/CANCELLATION
CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL
WITH YOUR TRAVEL CONSULTANT OR THE AIRLINES WEBSITE.
DESTINATION. FOR THE LATEST INFORMATION PLEASE CHECK

28Sep/11:48AM

Air	Car	Hotel	Rail	Other
119.20 USD			Unavailable	
Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL6153* 28Sep	Total: USD 119.20	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
<p>All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.</p>				

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Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

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Email generated on 28Sep/4:48 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]; Catanzaro, Michael J.
EOP/WHO[Michael.J.Catanzaro@who.eop.gov]
Cc: Adam J White[ajwhite@stanford.edu]
From: Oren Cass
Sent: Mon 7/24/2017 2:14:32 PM
Subject: RE: Oren Cass and Adam White
170321-The Problem with Climate Catastrophizing (FA).pdf
170417-Whos the Denier Now (NR).pdf

Thank you, Samantha.

Hi Mike, sorry for the slow follow-up. I was on vacation last week. I think we met in person during the Romney campaign, where I served as domestic policy director, and of course I have heard a lot about you from Rebecca Rosen, who handled energy and environment policy for our policy shop back then.

As Samantha mentioned, Adam and I met with her recently to discuss climate policy and she suggested it might be a good idea for us to talk with you as well. I do a lot of work on the climate issue that tries to encourage conservatives to use mainstream climate science as the starting point for their policy assessments, highlighting that the science does not actually point toward catastrophic outcomes or support the costly/ineffective policy agenda coming from the Left. Conversely, I think conservatives tend to hurt their own side when they pick fights about scientific findings where they are likely to lose.

So, given the administration's interest in reviewing/revisiting issues in climate science, I had some thoughts on how to make the exercise a constructive one that I shared with Samantha. I also think it would be worthwhile to consider the creation of adaptation-related policies that address the issue rather than a course that can seem more like refusing to discuss the issue entirely. If you think it might be useful, I'd be delighted to discuss these topics further with you.

Per Samantha's email, I've also attached here PDFs of a couple of my recent articles in Foreign Affairs and National Review that I think are most relevant and that sit behind paywalls online.

Regards,

Oren

Oren M. Cass

Senior Fellow

Manhattan Institute for Policy Research
52 Vanderbilt Avenue
New York, NY 10017
ocass@manhattan-institute.org
www.manhattan-institute.org

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Thursday, July 20, 2017 12:30 PM
To: Catanzaro, Michael J. EOP/WHO
Cc: Adam J White; Oren Cass
Subject: Oren Cass and Adam White

Mike,

Per our phone call yesterday, I am connecting you with Oren Cass of the Manhattan Institute, and Adam White from Stanford's Hoover Institution. We recently had a lively discussion about the climate issue, and I think it would be a great idea for you to sit down with the two of them. They are copied here – hope you can find a time to visit soon. Some of Oren's recent work is listed below.

Best,

Samantha

Some of Oren's recent commentaries in favor of reforming climate policy:

"The Problem with Climate Catastrophizing" — *Foreign Affairs*, March 2017

"Who's the Deniers Now" — *National Review*, May 2017

"Goodbye to Paris: The Sin of Being Honest" — *Commentary*, May 2017

"We'll Never Have Paris: The climate change agreement was designed as a feel-good, do-nothing program" — *City Journal*, May 2017

"Don't Apologize for Being Honest about Climate Change" — *National Review*, June 2017

Debating President Trump's Withdrawal from the Paris Accord — NPR, June 2017

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: megan.berge@bakerbotts.com
Sent: Thur 6/22/2017 4:12:12 PM
Subject: Re: Question on Region 9 Voicemail Regarding Four Corners FIP

Yes. Colleen McKaughn.

Sent from my iPhone

On Jun 22, 2017, at 12:10 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

We are calling R9 today, we just need some time to figure out. Do you have a POC who relayed the info to them?

From: megan.berge@bakerbotts.com [mailto:megan.berge@bakerbotts.com]
Sent: Thursday, June 22, 2017 12:05 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Question on Region 9 Voicemail Regarding Four Corners FIP

We appreciate your response, and look forward to hearing back from you at your earliest convenience.

Best,

Megan

Megan Heuberger Berge
Partner

BAKER BOTTS L.L.P.

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1.202.639.1308 (direct) | 1.202.256.0827 (cell)

<image001.png>

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Wednesday, June 21, 2017 8:08 PM
To: Berge, Megan
Cc: Bolen, Brittany; Gunasekara, Mandy
Subject: Re: Question on Region 9 Voicemail Regarding Four Corners FIP

We will look into this asap

Sent from my iPhone

On Jun 21, 2017, at 12:36 PM, "megan.berge@bakerbotts.com"
<megan.berge@bakerbotts.com> wrote:

Brittany, Samantha, Mandy –

My client, Arizona Public Service (APS), received a voicemail today from EPA Region 9 indicating that they plan to move forward on the Federal Implementation Plan covering the Four Corners Coal-Fired Power Plant, which was signed on January 13, 2017 and has not yet been published. The voicemail did not provide any additional information, and we are not clear on whether the voicemail means that EPA intends to publish the FIP or take other action.

I would appreciate the chance to touch base with you to understand EPA's plans for moving forward, and APS would at any time convenient for EPA welcome the opportunity to discuss the FIP.

I can be reached at 202-639-1308 and megan.berge@bakerbotts.com.

Best,

Megan

Megan Heuberger Berge
Partner

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<Picture (Device Independent Bitmap) 1.jpg>

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To: Davis, Gail[Davis.Gail@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM];
Inge, Carolyn[Inge.Carolyn@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Fri 8/18/2017 9:12:56 PM
Subject: Travel Receipt for DRAVIS/SAMANTHA K Travel date 31Aug
Travel Receipt Communication Attachment - SGN84M - August 31 2017.PDF

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Please visit the operating carrier website of your ticketed itinerary for applicable fees.

To view your trip via Viewtrip, please click [here](#)

Printer Friendly

Total Amount: 9,706.76 USD

This ticket information applies to the following trip(s):

Delta Air Lines Flight 1726 from Washington DC to Los Angeles CA on August 31

Delta Air Lines Flight 41 from Los Angeles CA to Sydney on August 31

Delta Air Lines Flight 6796 from Canberra to Sydney on September 06 (**Operated By: Virgin Australia**)

Delta Air Lines Flight 40 from Sydney to Los Angeles CA on September 06

Alaska Airlines Flight 6 from Los Angeles CA to Washington DC on September 06

ElectronicTicket Number: 0068610729356-357

Invoice Number: 000174865

Ticket Amount: 8,968.76 USD

Form of Payment: CA*****8060

Service Fee Number: 8900716920565

Service Fee Amount: 39.90 USD

Form of Payment: CA*****8060

.
This ticket information applies to the following trip(s):

Qantas Airways Flight 1525 from Sydney to Canberra on September 04 (**Operated By:
Qantaslink - National Jet Systems**)

ElectronicTicket Number: 0818610729360

Invoice Number: 000174867

Ticket Amount: 698.10 USD

Form of Payment: CA*****8060

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA04VK0

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
08/31/2011 DCA- DL 1726 Confirmed 05:32 PM/08:15 PM Business / D
LAX
08/31/2011 LAX- DL 41 Confirmed 10:46 PM/06:50 AM +2 Business / D
SYD
09/04/2011 SYD- QF 1525* Confirmed 06:45 PM/07:45 PM Business / J
CBR
09/06/2011 CBR- DL 6796* Confirmed 06:00 AM/07:00 AM Economy / Y
SYD
09/06/2011 SYD- DL 40 Confirmed 11:15 AM/08:05 AM Business / D
LAX
09/06/2011 LAX- AS 6 Confirmed 12:30 PM/08:44 PM Economy / Y
DCA

Delta Air Lines Flight DL1726 Business

[Online check-in](#)

Depart: Ronald Reagan National, Terminal B [Weather](#)
 Washington, District of Columbia, United States
 05:32 PM Thursday, August 31 2017
 Arrive: Los Angeles, California, United States [Weather](#)
 08:15 PM Thursday, August 31 2017

Duration: 5 hour(s) and 43 minute(s) Non-stop
 Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
 Meal: Dinner
 Equipment: Boeing 757-200 (winglets) Passenger
 Seat: 04B (Non smoking) Confirmed
 FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 2304 miles / 3707.136 kilometers
 CO2 Emissions: 861.7 lbs/391.68 kgs

Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
 CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
 PLEASE CHECK WWW.DELTA.COM

Delta Air Lines Flight DL41 Business

[Online check-in](#)

Depart: Los Angeles International Airport, Terminal 2 [Weather](#)
 Los Angeles, California, United States
 10:46 PM Thursday, August 31 2017
 Arrive: Kingsford Smith, 1 - Terminal 1 (International) [Weather](#)
 Sydney, New South Wales, Australia
 06:50 AM Saturday, September 2 2017

Duration: 15 hour(s) and 4 minute(s) Non-stop
 Total duration: **23 hour(s) and 18 minute(s) including layover(s)**
 Status: Confirmed - Delta Air Lines Record Locator: JKFBMX

Meal: Dinner
 Equipment: Boeing 777-200LR
 Seat: 11A (Non smoking, Aisle) Confirmed
 FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
 CO2 Emissions: 2,800.89 lbs/1,273.13 kgs

[Add to Calendar](#) [Need Help?](#)

Qantas Airways Flight QF1525 Business

[Online check-in](#)

Depart: Kingsford Smith, 3 - Terminal 3 (Qantas Domestic) [Weather](#)
 Sydney, New South Wales, Australia
 06:45 PM Monday, September 4 2017
 Arrive: Canberra Airport [Weather](#)
 Canberra, Capital Territory, Australia
 07:45 PM Monday, September 4 2017

Duration: 1 hour(s) and 0 minute(s) Non-stop
 Status: Confirmed - Qantas Airways Record Locator: J9PDT5

Meal: Refreshment
Equipment: Boeing 717-200
*Operated By: Qantaslink - National Jet Systems
Seat: Assigned at Check-in
Distance: 147 miles / 236.523 kilometers
CO2 Emissions: 80.85 lbs/36.75 kgs
Remarks: SEAT SELECTION AT AIRPORT.
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.QANTAS.COM
NO FREQUENT FLYER IN YOUR PROFILE FOR CARRIER BOOKED

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Delta Air Lines Flight DL6796 Economy

[Online check-in](#)

Depart: Canberra Airport [Weather](#)
Canberra, Capital Territory, Australia
06:00 AM Wednesday, September 6 2017
Arrive: Kingsford Smith, 2 - Terminal 2 (Domestic) [Weather](#)
Sydney, New South Wales, Australia
07:00 AM Wednesday, September 6 2017
Duration: 1 hour(s) and 0 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Snack or Brunch
Equipment: ATR 72
*Operated By: Virgin Australia
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K
Distance: 147 miles / 236.523 kilometers
CO2 Emissions: 80.85 lbs/36.75 kgs
Remarks: SEAT 6C ASSIGNED.

Delta Air Lines Flight DL40 Business

[Online check-in](#)

Depart: Kingsford Smith, 1 - Terminal 1 (International) [Weather](#)
Sydney, New South Wales, Australia
11:15 AM Wednesday, September 6 2017
Arrive: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
08:05 AM Wednesday, September 6 2017
Duration: 13 hour(s) and 50 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 11A (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K
Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs

Alaska Airlines Flight AS6 Economy

[Online check-in](#)

Depart: Los Angeles International Airport, Terminal 6
Los Angeles, California, United States
12:30 PM Wednesday, September 6 2017
Arrive: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
08:44 PM Wednesday, September 6 2017
Duration: 5 hour(s) and 14 minute(s) Non-stop
Total duration: **28 hour(s) and 43 minute(s) including layover(s)**
Status: Confirmed - Alaska Airlines Record Locator: PPCPIZ

[Weather](#)

[Weather](#)

Meal: Food For Purchase, Food For Purchase
Equipment: Boeing 737-800 (winglets) Passenger
Seat: 11D (Non smoking) Confirmed
Distance: 2304 miles / 3707.136 kilometers
CO2 Emissions: 861.7 lbs/391.68 kgs

Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.ALASKAAIR.COM
NO FREQUENT FLYER IN YOUR PROFILE FOR CARRIER BOOKED

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL
DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

CHECK WWW.CDC.GOV/TRAVEL FOR TRAVEL HEALTH ADVISORIES
PROPER DOCUMENTATION IS REQUIRED FOR ENTRY INTO
ARRIVAL COUNTRY
CHECK WWW.DHS.GOV/TRAVEL-ALERTS
FOR COUNTRY TRAVEL ADVISORIES
**

CONTACT THE DESIGNATED GOVERNMENT AGENCY IN YOUR
COUNTRY OF CITIZENSHIP FOR PASSPORT/VISA REQUIREMENTS.
TRAVEL INTO U.S. MAY REQUIRE ESTA AUTHORIZATION.
VISIT [HTTPS://ESTA.CBP.DHS.GOV](https://esta.cbp.dhs.gov) FOR DETAILS.
**

CHECK-IN TIMES ARE 90 MINUTES PRIOR TO DEPARTURE
FOR DOMESTIC FLIGHTS OR 120 MINUTES FOR INTERNATIONAL
ELECTRONIC TICKET/S/ WILL BE ISSUED FOR THIS TRIP
AIRPORT FEES MAY BE COLLECTED UPON ARRIVAL
OR DEPARTURE.
CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL

DESTINATION. FOR THE LATEST INFORMATION PLEASE CHECK WITH YOUR TRAVEL CONSULTANT OR THE AIRLINES WEBSITE.

18Aug/04:12PM

TRAVELER NOTICE – Please check with your carrier(s) for travel documents required (Passport, VISA, etc.) and security requirements regarding permitted and prohibited articles and goods related to your travel.

Air	Car	Hotel	Rail	Other
9,666.86 USD				
Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL1726 31Aug DL41 31Aug DL6796* 06Sep DL40 06Sep AS6 06Sep	Total: USD 8,968.76	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
Air QF1525* 04Sep	Total: USD 698.10	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.				

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 18Aug/9:12 PM UTC

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accident, or damage to person or property resulting directly or indirectly from (i) the acts or omissions of Suppliers, including, but not limited to, delays or cancellation of services, cessation of operations, breakdown in machinery or equipment, or changes in fares, itineraries, or schedules; and/or (ii) acts of God, dangers incident to the sea, fires, acts of government or other authorities, wars, acts of terrorism, civil unrest, strikes, riots, thefts, pilferage, epidemics, quarantines, other diseases, climatic aberrations, or from any other cause beyond BCD Travel's control. Please see additional terms and conditions related to this itinerary at [Terms and Conditions](#).

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

To view your trip via Viewtrip, please click [here](#)

Printer Friendly

Ticket Receipt

Total Amount: 9,706.76 USD

This ticket information applies to the following trip(s):

Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F to Los Angeles CA on August 31
Delta Air Lines Flight 41 from Los Angeles CA to Sydney on August 31
Delta Air Lines Flight 6796 from Canberra to Sydney on September 06 (Operated By: Virgin Australia)
Delta Air Lines Flight 40 from Sydney to Los Angeles CA on September 06
Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F on September 06

Electronic Ticket Number: 0068610729356-357

Invoice Number: 000174865

Ticket Amount: 8,968.76 USD

Form of Payment: CA*****8060

Service Fee Number: 8900716920565

Service Fee Amount: 39.90 USD

Form of Payment: CA*****8060

This ticket information applies to the following trip(s):

Qantas Airways Flight 1525 from Sydney to Canberra on September 04 (Operated By: Qantaslink - National Jet Systems)

Electronic Ticket Number: 0818610729360

Invoice Number: 000174867

Ticket Amount: 698.10 USD

Form of Payment: CA*****8060

Travel Summary – Agency Record Locator

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA04VK0

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type
08/31/2017	LAX		Confirmed		Business / D
08/31/2017	LAX-SYD	DL 41	Confirmed	10:46 PM/06:50 AM +2	Business / D
09/04/2017	SYD-CBR	QF 1525*	Confirmed	06:45 PM/07:45 PM	Business / J
09/06/2017	CBR-SYD	DL 6796*	Confirmed	06:00 AM/07:00 AM	Economy / Y
09/06/2017	SYD-LAX	DL 40	Confirmed	11:15 AM/08:05 AM	Business / D
09/06/2017	LAX		Confirmed		Economy / Y

AIR - Thursday, August 31 2017 - Agency Record Locator
[Add to Calendar](#) [Need Help?](#)

 Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F **Business**
[Online check-in](#)

Depart:	Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F
Arrive:	Los Angeles International Airport, Terminal 2 Los Angeles, California, United States Thursday, August 31 2017
Duration:	5 hour(s) and 43 minute(s) Non-stop
Status:	Confirmed - Delta Air Lines Record Locator:JKFBMX
Meal:	Dinner
Equipment:	Boeing 757-200 (winglets) Passenger
Seat:	04B (Non smoking) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	2304 miles / 3707.136 kilometers
CO2 Emissions:	861.7 lbs/391.68 kgs
Remarks:	FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY. PLEASE CHECK WWW.DELTA.COM

AIR - Thursday, August 31 2017 - Agency Record Locator SGN84M

Delta Air Lines Flight DL41 Business

[Online check-in](#)

Depart:	Los Angeles International Airport, Terminal 2 Los Angeles, California, United States 10:46 PM Thursday, August 31 2017
Arrive:	Kingsford Smith, 1 - Terminal 1 (International) Sydney, New South Wales, Australia 06:50 AM Saturday, September 2 2017
Duration:	15 hour(s) and 4 minute(s) Non-stop
Total duration:	23 hour(s) and 18 minute(s) including layover(s)
Status:	Confirmed - Delta Air Lines Record Locator:JKFBMX
Meal:	Dinner
Equipment:	Boeing 777-200LR
Seat:	11A (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	7489 miles / 12049.801 kilometers
CO2 Emissions:	2,800.89 lbs/1,273.13 kgs

AIR - Monday, September 4 2017 - Agency Record Locator SGN84M		Add to Calendar Need Help?
Qantas Airways Flight QF1525 Business		Online check-in
Depart:	Kingsford Smith, 3 - Terminal 3 (Qantas Domestic) Sydney, New South Wales, Australia 06:45 PM Monday, September 4 2017	
Arrive:	Canberra Airport Canberra, Capital Territory, Australia 07:45 PM Monday, September 4 2017	
Duration:	1 hour(s) and 0 minute(s) Non-stop	
Status:	Confirmed - Qantas Airways Record Locator: J9PDT5	
Meal:	Refreshment	
Equipment:	Boeing 717-200	
*Operated By:	Qantaslink - National Jet Systems	
Seat:	Assigned at Check-in	
Distance:	147 miles / 236.523 kilometers	
CO2 Emissions:	80.85 lbs/36.75 kgs	
Remarks:	SEATSELECTIONATAIRPORT. FORUPDATETRAVELINFORMATIONONAIRLINE CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY. PLEASECHECKWWW.QANTAS.COM NOFREQUENTFLYERINYOURPROFILEFORCARRIERBOOKED	

AIR - Wednesday, September 6 2017 - Agency Record Locator SGN84M		Add to Calendar	Need Help?
Delta Air Lines Flight DL6796 Economy		Online check-in	
Depart:	Canberra Airport Canberra, Capital Territory, Australia 06:00 AM Wednesday, September 6 2017		
Arrive:	Kingsford Smith, 2 - Terminal 2 (Domestic) Sydney, New South Wales, Australia 07:00 AM Wednesday, September 6 2017		
Duration:	1 hour(s) and 0 minute(s) Non-stop		
Status:	Confirmed - Delta Air Lines Record Locator:JKFBMX		
Meal:	Snack or Brunch		
Equipment:	ATR72		
*Operated By:	Virgin Australia		
Seat:	Assigned at Check-in		
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K		
Distance:	147 miles / 236.523 kilometers		
CO2 Emissions:	80.85 lbs/36.75 kgs		
Remarks:	SEAT6C ASSIGNED.		

AIR - Wednesday, September 6 2017 - Agency Record Locator SGN84M	
Delta Air Lines Flight DL40 Business	
Online check-in	
Depart:	Kingsford Smith, 1 - Terminal 1 (International) Sydney, New South Wales, Australia 11:15 AM Wednesday, September 6 2017
Arrive:	Los Angeles International Airport, Terminal 2 Los Angeles, California, United States 08:05 AM Wednesday, September 6 2017
Duration:	13 hour(s) and 50 minute(s) Non-stop
Status:	Confirmed - Delta Air Lines Record Locator:JKFBMX
Meal:	Dinner
Equipment:	Boeing 777-200LR
Seat:	11A (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	7489 miles / 12049.801 kilometers
CO2 Emissions:	2,800.89 lbs/1,273.13 kgs

AIR - Wednesday, September 6 2017 - Agency Record Locator

Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F

Economy
Online check-in

Depart:	Los Angeles International Airport, Terminal 6 Los Angeles, California, United States Wednesday, September 6 2017
Arrive:	Personal Security Detail/Ex. 6/Ex. 7C/Ex. 7E/Ex. 7F
Duration:	5 hour(s) and 14 minute(s) Non-stop
Total duration:	28 hour(s) and 43 minute(s) including layover(s)
Status:	Confirmed - Alaska Airlines Record Locator:PPCPIZ
Meal:	Food For Purchase, Food For Purchase
Equipment:	Boeing 737-800 (winglets) Passenger
Seat:	11D (Non smoking) Confirmed
Distance:	2304 miles / 3707.136 kilometers
CO2 Emissions:	861.7 lbs/391.68 kgs
Remarks:	FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY. PLEASE CHECK WWW.ALASKAAIR.COM NO FREQUENT FLYER IN YOUR PROFILE FOR CARRIER BOOKED

Remarks

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CHECK WWW.DHS.GOV/TRAVEL-ALERTS
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18Aug/04:12PM

TRAVELER NOTICE – Please check with your carrier(s) for travel documents required (Passport, VISA, etc.) and security requirements

regarding permitted and prohibited articles and goods related to your travel.

Estimated trip total				9,666.86 USD
Air	Car	Hotel	Rail	Other
9,666.86 USD				
Fare details: Ticketed				
Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL41 31Aug DL6796* 06Sep DL40 06Sep	Total: USD 8,968.76	REFUNDRESTRICTIONS MAY APPLY	CHANGERESTRICIONS MAY APPLY	
Air QF1525* 04Sep	Total: USD 698.10	REFUNDRESTRICTIONS MAY APPLY	CHANGERESTRICIONS MAY APPLY	
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Email generated on 18Aug/9:12 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Thompson, Ryan
Sent: Mon 7/17/2017 8:53:59 PM
Subject: Honeywell meeting request

Samantha,

I hope you are well! I am not sure we have met before in person, but I used to be Sen. Inhofe's chief of staff and I wanted to reach out on behalf of our client Honeywell. In particular, I would like to request a brief meeting to introduce you to Amy Chiang, who runs Honeywell's government relations for energy and environment. If possible, I would like to bring Amy by to discuss SNAP and CAFE - do you have any time available next week?

Thank you in advance!

-Ryan

Ryan Day Thompson

AKIN GUMP STRAUSS HAUER & FELD LLP

Mobile: +1 202.236.7885 | thompsonr@akingump.com | akingump.com | [Bio](#)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Wagner, Kenneth[wagner.kenneth@epa.gov]
From: Miles Keogh
Sent: Thur 9/14/2017 8:42:39 PM
Subject: RE: Miles Keogh & FW: NACAA Meeting

Dear Mandy, Samantha, Brittany,

I'm just closing the loop on a speaking invite for our next meeting. I had the best conversation with Ken Wagner at the ECOS meeting this week, he explained how challenging it is lining up the schedules at EPA, and I really appreciated his reaching out. I had left messages with y'all before heading out to Wyoming following up on our outstanding meeting invite from my leadership (Montana and Puget) to speak to NACAA members in Seattle in a couple weeks. Given the swinging objects crashing into open space in folks' calendars, I'm very understanding about how tough that is to make work, and I'm letting you off the hook.

As it happens, we've got a lot of member interest in the ongoing wildfires that are challenging Western members in particular, but locals as far east as North Carolina too. I know we'd asked you to speak, but given the near date of the meeting and urgency of the wildfires, I think we're going to fill that space in our Seattle agenda with some technical exchange on that issue. I hope you'll accept my apology for rescinding that invitation - just because Seattle didn't work out doesn't mean I won't be coming back to seek your input & perspectives - our meetings next year are planned for DC and Ann Arbor, so maybe those will work better.

I'm sincerely eager about working with y'all moving forward. NACAA is the place where state and local agencies engage in a national marketplace of ideas about clean air, and EPA is by far our most important partner. If I can do anything to make that partnership flourish, please don't hesitate to ask.

Thanks again and best regards, Miles

Miles Keogh

NACAA

(202) 624-7864

From: Miles Keogh
Sent: Friday, September 8, 2017 4:09 PM
To: 'lovell.william@epa.gov' <lovell.william@epa.gov>
Subject: Miles Keogh & FW: NACAA Meeting

Will, good talking with you today and thanks for putting up with the Friday afternoon drive-by.

I'm looking to see if I can get a few minutes to connect with Brittany Bolen to introduce myself – I'm the new guy and my being brought aboard at NACAA is sort of an organizational reset. My background is in utilities and the power sector, advising state regulators at NARUC.

Next Thursday or Friday between 8 am and 3:30 pm I could move anything around if there was availability for a call (those evenings though, I have some things I'm doing for my wife's birthday.) Any time September 19 and 20 I also have that kind of flexibility. I hope we can figure something out.

One more urgent loose end I am trying to tie up is whether anyone from EPA can participate in our upcoming meeting in Seattle – this was an ask from our members in Montana, Washington, Ohio and Wisconsin that predates my hire. Recognizing it's not super convenient timing given everything going on, I'd sure like to make other plans if y'all can let us off the hook. See the email below for context.

At a high level I'm looking to drive value to my state and local agency members, help them discharge their obligations under the clean air act to protect public health and assure clean air, and contribute the the growing marketplace of ideas around cooperative federalism. I don't have a specific policy ask or agenda – I'm setting the stage for a productive relationship between the folks out in the world and the folks here in DC.

I'm looking forward to making something work. My best, Miles

Miles Keogh

NACAA

(202) 624-7864

From: Klemp, David [<mailto:DKlemp@mt.gov>]
Sent: Tuesday, August 01, 2017 4:52 PM
To: Gunasekara.mandy@epa.gov; Dravis.samantha@epa.gov; Bolen.brittany@epa.gov
Cc: Mary Sullivan Douglas
Subject: FW: Invitation to NACAA Meeting

Dear Ms. Gunasekara, Ms. Dravis and Ms. Bolen,

On behalf of the National Association of Clean Air Agencies (NACAA) we are pleased to invite you to participate in the NACAA Fall Membership Meeting, to take place in Seattle, WA on September 25-27, 2017. The session in which we hope you will participate is "EPA Priorities, Executive Orders and the Regulatory Landscape" on Monday, September 25, 2017, from 2:00 p.m. to 3:15 p.m.

In particular, we invite Mandy to discuss the Administrator's priorities for the Office of Air and Radiation and Samantha and/or Brittany to discuss the various Executive Orders and their implications for the regulatory landscape, especially with respect to the air program.

We are flexible on how the session would be structured but envision approximately 40 minutes for presentation and 30 minutes for open discussion with NACAA members.

Our membership meetings typically attract 100-120 attendees from federal, state and local air quality programs around the country. In case you are not familiar with our organization, NACAA is a national, non-partisan, non-profit association of state and local air pollution control agencies in 45 states, the District of Columbia and four territories.

We look forward to hearing from you and hope very much that you can participate. If you have any questions or would like to discuss this session further, please contact Mary Sullivan Douglas of NACAA at (202) 624-7864 or mdouglas@4cleanair.org.

Regards,

David Klemp, NACAA Co-President

Bureau Chief

Air Quality Bureau

Montana Department of Environmental Quality

dklemp@mt.gov

(406) 444-0286

Craig Kenworthy, NACAA Co-President

Executive Director

Puget Sound Clean Air Agency

craigk@pscleanair.org

(206) 689-4004

Bart Sponseller

Director, Bureau of Air Management

Wisconsin Department of Natural Resources

bart.sponseller@wisconsin.gov

(608) 264-8537

Sam Rubens, NACAA Co-Vice President

Administrator

Akron Regional Air Quality Management District

srubens@schd.org

(330) 812-3874

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov];

Personal Email/Ex. 6

From: Concur Travel

Sent: Tue 9/12/2017 7:33:00 PM

Subject: Concur Itinerary 09/14/2017: TRIP FROM WASHINGTON TO HOUSTON (WN4SD0)

[DCA-IAH.ics](#)

[IAH-DCA.ics](#)

[Magnolia Hotel Houston, a Tribute Hotel.vcf](#)

Trip Overview

Trip Name: Trip from Washington to Houston

Start Date: September 14, 2017

End Date: September 15, 2017

Created: September 12, 2017, CAROLYN INGE (Modified: September 12, 2017)

Description: The purpose of this trip is for the Administrator to visit superfund sites in the Houston area.

Trip Purpose: 0-SITE VISIT

Agency Record Locator: WN4SD0

Passengers: Samantha K Dravis

Total Estimated Cost: **\$644.00 USD**

Important: Reservations must be approved and ticketed no later than: 09/14/2017 8:15 AM Eastern

The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BCD_EPA

Reservations

Thursday, September 14, 2017



Flight Washington, DC (DCA) to Atlanta, GA (ATL)

Delta 2917

Departure: 04:15 PM

Seat: No seat assignment

Ronald Reagan National Arpt (DCA)

Arrival: 06:09 PM

Hartsfield Intl Arpt (ATL)

Confirmation: HNJPYS

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 546 miles

Emissions: 234.8 lbs CO₂

Cabin: Economy (U)

Remarks

FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE



CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM



1 hr, 1 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Houston, TX (IAH)

Delta 2274

Departure: 07:10 PM
Seat: 19C (Confirmed)
Hartsfield Intl Arpt (ATL)
Arrival: 08:20 PM
George Bush Intercontinental (IAH)

Confirmation: HNJPYS
Status: **Confirmed**
Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 688 miles
Emissions: 295.8 lbs CO₂
Cabin: Economy (U)



Magnolia Hotel Houston, a Tribute Hotel

1100 Texas Avenue
Houston, Texas, 77002
US
713-221-0011

Checking In: Thu Sep 14
Room 1, Days 1, Guests 1
Checking Out: Fri Sep 15

Confirmation: 482229308
Status: **Confirmed**

Additional Information

Daily Rate: **\$135.00 USD**

Total Rate: **\$135.00 USD**

Room Details

Room Description: RoomDescriptionCodeA1KGVF
Special Instructions: Nonsmokingearlychckin



Friday, September 15, 2017



Flight Houston, TX (IAH) to Washington, DC (DCA) United 1106

Departure: 05:55 PM
Seat: 35D (Confirmed)
George Bush Intercontinental (IAH)
Arrival: 09:58 PM
Ronald Reagan National Arpt (DCA)

Confirmation: O5SMMG
Status: **Confirmed**

Additional Details

Distance: 1206 miles
Emissions: 470.3 lbs CO₂
Cabin: Economy (S)

Remarks



FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.UAL.COM

Total Estimated Cost

Air

Airfare quoted amount:	\$439.07 USD
Taxes and fees:	\$69.93 USD
Air Total Price:	\$509.00 USD
Hotel:	\$135.00 USD

Total Estimated Cost: \$644.00 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/PPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

Flight# DL2917 from DCA -> ATL
(1 hour and 54 m ins.) Layover of 1 hour and 1 mins.
Flight# 2274 from ATL -> IAH
(2 hours and 10 mins.)

20170914T201500Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20170914T201500Z

End Date/Time

20170915T012000Z

DTSTAMP

20170914T201500Z

Location

Summary

Flight# DL2917 from DCA -> ATL
(1 hour and 54 m ins.) Layover of 1 hour and 1 mins. Flight# 2274 from ATL -> IAH
(2 hours and 10 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to Houston

Start Date: September 14, 2017

End Date: September 15, 2017

Created: September 12, 2017, CAROLYN INGE (Modified: September 12, 2017)

Description: The purpose of this trip is for the Administrator to visit superfund sites in the Houston area.

Trip Purpose: 0-SITE VISIT

Agency Record Locator: WN4SD0

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 644.00 USD

Important: Reservations must be approved and ticketed no later than: 09/14/2017 8:15 AM Eastern

The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BCD\_EPA

**Reservations**

~~~~~

Thursday, September 14, 2017

Flight Washington, DC (DCA) to Atlanta, GA (ATL)
.....

Delta 2917

Departure: 04:15 PM
Seat: No seat assignment
Ronald Reagan National Arpt (DCA)
Arrival: 06:09 PM
Hartsfield Intl Arpt (ATL)
Confirmation: HNJPYS
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO₂
Cabin: Economy (U)
Remarks
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM
1 hr, 1 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Houston, TX (IAH)
.....

Delta 2274

Departure: 07:10 PM
Seat: 19C (Confirmed)
Hartsfield Intl Arpt (ATL)
Arrival: 08:20 PM
George Bush Intercontinental (IAH)
Confirmation: HNJPYS
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 688 miles Emissions: 295.8 lbs CO₂
Cabin: Economy (U)

Magnolia Hotel Houston, a Tribute Hotel
.....

1100 Texas Avenue
Houston, Texas, 77002
US
713-221-0011

Checking In: Thu Sep 14
Room 1, Days 1, Guests 1
Checking Out: Fri Sep 15
Confirmation: 482229308
Status: Confirmed
Daily Rate: \$ 135.00 USD
Total Rate: \$ 135.00 USD
Room Details
Room Description: RoomDescriptionCodeA1KG VF
Special Instructions: Nonsmokingearlycheckin

Friday, September 15, 2017

Flight Houston, TX (IAH) to Washington, DC (DCA)

United 1106

Departure: 05:55 PM
Seat: 35D (Confirmed)
George Bush Intercontinental (IAH)
Arrival: 09:58 PM
Ronald Reagan National Airport (DCA)
Confirmation: O5SMMG
Status: Confirmed
Distance: 1206 miles
Emissions: 470.3 lbs CO₂
Cabin: Economy (S)
Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.UAL.COM

Total Estimated Cost

Air

Airfare quoted amount : \$ 439.07 USD
Taxes and fees: \$ 69.93 USD \nAir Total Price: \$ 509.00 USD
Hotel: \$ 135.00 USD
Total Estimated Cost: \$ 644.00 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

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PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
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CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE \nRESERVATIONS REQUIRE
SEPARATE AIR TICKETS.

UID

WN4SD0-2017-09-14T20:15:00.000Z-2017-09-15T01:20:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight DCA -> IAH

**Flight# UA1106 from IAH -> DCA
(3 hours and 3 m ins.)**

20170915T225500Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20170915T225500Z

End Date/Time

20170916T015800Z

DTSTAMP

20170915T225500Z

Location

Summary

Flight# UA1106 from IAH -> DCA
(3 hours and 3 m ins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to Houston

Start Date: September 14, 2017

End Date: September 15, 2017

Created: September 12, 2017, CAROLYN INGE (Modified: September 12, 2017)

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Trip Purpose: 0-SITE VISIT

Agency Record Locator: WN4SD0

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 644.00 USD

Important: Reservations must be approved and ticketed no later than: 09/14/2017 8:15 AM Eastern

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Agency Name: BCD\_EPA

**Reservations**

~~~~~

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.....

Delta 2917

Departure: 04:15 PM
Seat: No seat assignment
Ronald Reagan National Arpt (DCA)
Arrival: 06:09 PM
Hartsfield Intl Arpt (ATL)
Confirmation: HNJPYS
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO 2
Cabin: Economy (U)
Remarks
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
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1 hr, 1 min layover at Hartsfield Intl Arpt (ATL)

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.....

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Departure: 07:10 PM
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George Bush Intercontinental (IAH)
Confirmation: HNJPYS
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Distance: 688 miles Emissions: 295.8 lbs CO 2
Cabin: Economy (U)

Magnolia Hotel Houston, a Tribute Hotel
.....

1100 Texas Avenue
Houston, Texas, 77002
US
713-221-0011

Checking In: Thu Sep 14
Room 1, Days 1, Guests 1
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Flight Houston, TX (IAH) to Washington, DC (DCA)

.....

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Ronald Reagan National Arpt (DCA)
Confirmation: O5SMMG
Status: Confirmed
Distance: 1206 miles
Emissions: 470.3 lbs CO₂
Cabin: Economy (S)
Remarks \nFOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.UAL.COM

Total Estimated Cost

~~~~~

Air

Airfare quoted amount : \$ 439.07 USD  
Taxes and fees: \$ 69.93 USD \nAir Total Price: \$ 509.00 USD  
Hotel: \$ 135.00 USD  
Total Estimated Cost: \$ 644.00 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL  
TICKETS ARE ISSUED.

Remarks

~~~~~  
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SEPARATE AIR TICKETS.

UID

WN4SD0-2017-09-15T22:55:00.000Z-2017-09-16T01:58:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight IAH -> DCA

Magnolia Hotel Houston, a Tribute Hotel

1100 Texas Avenue,;Houston;Texas;77002;US

713-221-0011 (Work Voice)

713-221-0022 (Work Fax)

Version

2.1

Organization

Magnolia Hotel Houston, a Tribute Hotel

Telephone Number (Work Voice)

713-221-0011

Telephone Number (Work Fax)

713-221-0022

Address (Work)

P.O. Address:

Extended Address:

Street: 1100 Texas Avenue,

Locality: Houston

Region: Texas

Postal Code: 77002

Country: US

Delivery Label (Work)

1100 Texas Avenue,;Houston;Texas;77002;US

Comment

Checkin Time: 15:00

Checkout Time: 12:00

Directions to Hotel:

Direction To The Property From Airport Iah - Take Terminal Road South And Turn Right Onto John F. Kennedy Boulevard. Take The Left Exit And Merge Onto Beltway 8. Exit Onto Interstate 69/u.s. 59 South Towards Houston. Exit Onto Interstate 10 West Towards San Antonio. Take Exit 769b For San Jacinto Street/main Street. Turn Left Onto San Jacinto St. Continue As San Jacinto Becomes Fannin Street. Turn Left Onto Texas Avenue. The Hotel Will Be On The Right.

Last Revision

9/12/2017 3:33:00 PM

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Messner, Kevin
Sent: Mon 10/2/2017 9:18:11 PM
Subject: Follow-up

Just wanted to follow up on our meeting last week. Regarding the Direct Final Rule to update the charge size for Isobutane to 150 grams for refrigerators based on the recently updated standards, do you need anything else from me? Also, we would be happy to participate in the Smart Sectors effort as it relates to the SNAP program. Lastly, our CEOs still would like to meet with Administrator Pruitt when they are in town the afternoon of October 18. I will reach out to Ryan Jackson on that since I am assuming you all do not get into the scheduling aspects for the Administrator??? Thanks again for your help. Mandy, hearing your long list of things at NAM, I know you both have a ton going on so appreciate any time you can spend on the appliance issues.

Kevin Messner



Senior Vice President, Policy & Government Relations

Association of Home Appliance Manufacturers

1512 Willow Lane, Davis, CA 95616

1111 19th Street NW, Suite 402, Washington, DC 20036

t 202.872.5955 ext. 353 m 530.309.5629 f 202.872.9354 e kmessner@aham.org

Connect with us:  



STATEMENT OF CONFIDENTIALITY: The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s). If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify The Association of Home Appliance Manufacturers at (202) 872-5955

or unsubscribe@aham.org, and destroy all copies of this message and any attachments.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Max Lopez
Sent: Tue 11/14/2017 8:56:03 PM
Subject: Recommendation Letter

Samantha,

Thank you so much for the insightful recommendation letter, that means so much to me and will help a great deal moving forward. Again, I just want to let you know how much I appreciate the opportunity to have worked with the OP, it was a great experience that will stick with me for a long time.

Best,

--

Max Lopez

Ex. 6 - Personal Privacy

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Tue 8/1/2017 1:19:15 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

Your Auth AUTH208536-1 was just stamped AUTHORIZED by
REEDER, JOHN EDWARD.

You can access ConcurGov at: <https://cge.concursolutions.com>



To: Dravis, Samantha[dravis.samantha@epa.gov]; Davis, Gail[Davis.Gail@epa.gov]; Wingo-Huntley, Deloris[Wingo-Huntley.Deloris@epa.gov]
Cc: Inge, Carolyn[Inge.Carolyn@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Kime, Robin[Kime.Robin@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Wed 8/30/2017 2:01:01 AM
Subject: Ticket Refund Notification for DRAVIS/SAMANTHA K - Record Locator SGN84M

Record Locator: SGN84M

DRAVIS/SAMANTHA K,

The following airline ticket(s) have been submitted to the airline(s) for credit:

Ticket 0818610729360 on Qantas Airways in the amount of 698.10 less a penalty of 600.00 on August 29, 2017.

Ticket 0068610729356 on Delta Air Lines in the amount of 8968.76 less a penalty of 600.00 on August 29, 2017.

Please allow 4-6 weeks for processing. All refunds are subject to airline audit. Credit will be applied to the original form of payment.

Please note that if a separate transaction fee was assessed for your ticket(s), that amount is not included in the refund request; it will require submission on your expense report. If transaction fees are billed centrally for your corporation, then no action is required.

Should you have additional questions or concerns, please contact your BCD Travel Department.

We appreciate your business.

BCD Travel acts only as an agent for the airlines, hotels, bus companies, railroads, tour operators, cruise lines, car rental companies, and other similar third parties providing accommodations, transportation, or other meeting and travel related services ("Suppliers"). Suppliers are independent and do not act for or on behalf of BCD Travel, are not employees of BCD Travel, and do not have a joint venture or partnership with BCD Travel. Suppliers have their own terms and conditions for the services they provide, and you agree to abide by the terms and conditions set forth in any and all documents for any such Supplier services, including,

without limitation, all cancellation fees. By utilizing the services represented by this itinerary, you agree to the foregoing and also agree that neither BCD Travel or its parent, affiliates, subsidiaries, partners, agents, and their respective officers, directors, employees, and representatives shall be or become liable for any loss, cost, expense, injury, accident, or damage to person or property resulting directly or indirectly from (i) the acts or omissions of Suppliers, including, but not limited to, delays or cancellation of services, cessation of operations, breakdown in machinery or equipment, or changes in fares, itineraries, or schedules; and/or (ii) acts of God, dangers incident to the sea, fires, acts of government or other authorities, wars, acts of terrorism, civil unrest, strikes, riots, thefts, pilferage, epidemics, quarantines, other diseases, climatic aberrations, or from any other cause beyond BCD Travel's control. Please see additional terms and conditions related to this itinerary at [Terms and Conditions](#).

To: EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov];
Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Tue 10/24/2017 3:53:47 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA0577P

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type
<u>10/26/2017</u>	DCA- ATL	DL 2158	Confirmed	04:15 PM/06:11 PM	Economy / Y
<u>10/26/2017</u>	ATL- MSY	DL 2476	Confirmed	07:33 PM/08:07 PM	Economy / H
<u>10/26/2017</u>	MSY	Avis Rent A Car	Confirmed	10/26-10/27	Compact 2/4 Door
<u>10/26/2017</u>	MSY	Le Meridien New Orleans	Confirmed	10/26-10/27	
<u>10/27/2017</u>	MSY- ATL	DL 1277	Confirmed	05:55 PM/08:22 PM	Economy / K
<u>10/27/2017</u>	ATL- DCA	DL 2612	Confirmed	10:05 PM/11:46 PM	

Delta Air Lines Flight DL2158 Economy

Depart: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States

Arrive: ~~Hartsfield-Jackson ATL, S - Terminal South~~
Atlanta, Georgia, United States
06:11 PM Thursday, October 26 2017

Weather

.
Duration: 1 hour(s) and 56 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Airbus Industrie A321
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs
.

.
Delta Air Lines Flight DL2476 Economy

Depart: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
07:33 PM Thursday, October 26 2017

Weather

Arrive: Louis Armstrong Intl
New Orleans, Louisiana, United States
08:07 PM Thursday, October 26 2017

Weather

.
Duration: 1 hour(s) and 34 minute(s) Non-stop
Total duration: **4 hour(s) and 52 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Boeing 757 Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 425 miles / 683.825 kilometers
CO2 Emissions: 187 lbs/85 kgs
.
.

Avis Rent A Car

Pick Up: New Orleans Intl Airport 600 Rental Blvd
Kenner 70062-8307, LA, United States; Tel: +1
(504) 464-9511

Drop Off: ~~New Orleans Intl Airport 600 Rental Blvd~~
Kenner 70062-8307, LA, United States; Tel: +1
(504) 464-9511
05:55 PM Friday, October 27 2017

Type: Compact Car Auto AC
Status: Confirmed
Daily Rate: USD 63.00
Extra Day: Unlimited Miles Per Extra Day
Allowance:
Extra Hour Fee: USD 47.26
Extra Hour: Unlimited Free Miles Per Extra Hour
Allowance:
Mileage: Unlimited Free Miles
Allowance:
Estimated Total: USD 96.59 plus tax and any additional fees
Confirmation: 47425905US2
Corp. Discount: XXXX021
FF Number:
CO2 Emissions: Each gallon of unleaded gasoline consumed is 19.6 lbs/8.91 kgs and litre of petrol is 5 lbs/2.31 kgs

Remarks: BASE RATE DOES NOT INCLUDE TAXES AND SURCHARGES
CAR RENTER MUST BE 25 OR 18 YEARS OF AGE IF GOVERNMENT
RATE CONFIRMED WITH VALID DRIVERS LICENSE. CREDIT CARD
IN THE NAME OF THE DRIVER IS REQUIRED FOR RENTAL.

Le Meridien New Orleans

Address: 333 Poydras St
New Orleans, LA 70130
United States

Tel: +1 (504) 525-9444
Fax: +1 (504) 581-7179

Check In/Check Out: Thursday, October 26 2017 - Friday, October 27 2017
Status: Confirmed

Number of
Persons:
Number of Rooms: 1
Number of Nights: 1
Rate per night: USD 142.00 plus tax and any additional fees
Guaranteed: Yes
Confirmation: 492269465
Corp. Discount: XXXX36
Cancellation Policy: Cancel by 400PM 26OCT17 local hotel time to avoid any charges.
CO2 Emissions: Per night is approximately 63.8 lbs/29 kgs
.

.
Delta Air Lines Flight DL1277 Economy

.
Depart: Louis Armstrong Intl Weather
New Orleans, Louisiana, United States
05:55 PM Friday, October 27 2017
Arrive: Hartsfield-Jackson ATL, S - Terminal South Weather
Atlanta, Georgia, United States
08:22 PM Friday, October 27 2017
.
Duration: 1 hour(s) and 27 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Boeing 757 Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 425 miles / 683.825 kilometers
CO2 Emissions: 187 lbs/85 kgs
.

.
Delta Air Lines Flight DL2612 Economy

.
Depart: Hartsfield-Jackson ATL, S - Terminal South Weather
Atlanta, Georgia, United States

Arrive: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
11:46 PM Friday, October 27 2017

Weather

Duration: 1 hour(s) and 41 minute(s) Non-stop
Total duration: **4 hour(s) and 51 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Airbus Industrie A320
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs

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RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

24Oct/10:53AM

=====

Air	Car	Hotel	Rail	Other
912.60 USD	96.59 USD	166.37 USD		
Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL2158 26Oct DL2476 26Oct DL1277 27Oct DL2612 27Oct	Total: USD 912.60	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.				

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 24Oct/3:53 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: American Law Institute CLE
Sent: Wed 12/6/2017 12:23:30 PM
Subject: Mitigate Ethical Risks and Protect Client Interests

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Lauren Wilk
Sent: Mon 6/26/2017 4:22:14 PM
Subject: RE:

This is great. :)

And now you have my email AND direct office line below.

See you tomorrow!

L

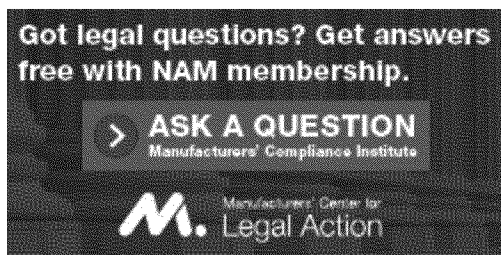
Lauren Wilk

Director, Trade Facilitation Policy

National Association of Manufacturers

Email: lwilk@nam.org

Direct: (202) 637-3141



From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Monday, June 26, 2017 12:17 PM
To: Lauren Wilk <lwilk@nam.org>
Subject: FW:

Congratulations!! LOL.

Can't wait to see you tomorrow

From: Kime, Robin
Sent: Monday, June 26, 2017 11:50 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE:

I called NAM, they said she got married and changed her name to Wilk.

Her title is Director, Trade Facilitation Policy at National Association of Manufacturers (NAM)

Email address: LWilk@nam.org



-----Original Message-----

From: Dravis, Samantha

Sent: Monday, June 26, 2017 11:43 AM

To: Kime, Robin <Kime.Robin@epa.gov>

Subject:

Can you use google to find an email address for Lauren Airey at NAM?

Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: David Stevenson
Sent: Mon 10/16/2017 11:51:10 AM
Subject: Clean Power Plan Repeal published support article
Clean Power Plan News Journal Oct 2017.docx

Thanks for the call in update last week. My attached defense of the repeal was published in the Wilmington, DE, News Journal, the state's largest newspaper and the local paper for Joe Biden and Senator's Tom Carper and Chris Coons.

--

David T. Stevenson
Director, Center for Energy Competitiveness
Caesar Rodney Institute
www.caesarrodney.org

Clean Power Plan won't be missed: Delaware Voices

David T. Stevenson Published 9:14 a.m. ET Oct. 13, 2017 | Updated 10:29 a.m. ET Oct. 13, 2017, Wilmington News Journal, link:

<http://www.delawareonline.com/story/opinion/contributors/2017/10/13/clean-power-plan-wont-missed-delaware-voices/760983001/>

Editor's note: This piece is a rebuttal to Wednesday's editorial, "Ending Clean Power Plan is bad news for Delaware."

Here's all you need to know about the Clean Power Plan (CPP) and its goal to reduce carbon dioxide emissions from electric generators in one sentence: The CPP is illegal, is another sign of our divided country, it wouldn't have a discernible impact on global warming, and the emission goals will probably be met without it.

Governments have granted territorial monopolies to companies that run the electric grid because it doesn't make sense to duplicate the incredible investment needed for competition. To protect consumers from these monopolies, in-state oversight has historically rested with individual state public utility commissions.

Federal law created the Federal Energy Regulatory Commission to oversee the interstate power grid. These organizations routinely balance price, reliability and environmental concerns.

The US Environmental Protection Agency (EPA), guided by an Executive Order from President Barack Obama, tried to take control of the entire electric grid with the CPP. Their singular purpose was to reduce carbon dioxide emissions with little care for electricity cost or reliability.

The EPA based the regulation on an obscure section of the Clean Air Act that was supposed to regulate individual power plants in rare cases when other sections didn't work. This section had only been narrowly used four times.

The section became the basis for not only regulating every power plant in the country, but also to force states to adopt carbon taxes, and to replace reliable base load power with expensive, intermittent wind and solar power.

Legal challenges based on the misuse of the Clean Air Act went as high as the Supreme Court which granted a stay in implementing the CPP based on the apparent validity of the legal arguments. Those challenges will continue for years, but with the current makeup of the Supreme Court, the CPP will likely be found to be illegal.

President Trump wrote an Executive Order requiring the EPA to review the legality of the CPP. The EPA found it should be repealed. The EPA will follow the required procedures to repeal the regulation and the task will probably not be complete until sometime in 2018.

The lawsuit against the CPP is supported by 27 states most of which were won by President Trump, and is opposed by 18 states most of which were won by Hillary Clinton. This is very much a red state versus blue state issue.

The states supporting the lawsuit against the CPP actually had more success reducing carbon dioxide emissions than the states opposing the lawsuit. According to US Energy Information Agency emission reports, and US Census population reports for 2007 and 2015, these states reduced emissions 1.8 times faster per person.

The 18 states supporting the CPP have already implemented most of the requirements in the plan. Those states consume 4 percent more power than they generate thus count on other states for electric generation. In effect, the states for the CPP exported 23 million metric tons of emissions to other states. The same states paid almost 4 cents per kilowatt-hour more for electricity, or 41 percent.

The states supporting the CPP, including Delaware, want to force the rest of the country to adopt the same losing policies. I guess misery loves company.

An argument might be made the misery is worth it if for the right environmental benefits, but the CPP doesn't deliver. The EPA developed a calculator to determine how incremental emission changes would impact global temperatures in the year 2100. The CPP goal is to reduce electric grid emissions by 32 percent between 2005 and 2030. That would only reduce global warming by 0.2 degrees centigrade, an amount that cannot be reliably measured.

The US Energy Information Agency just released national electric grid emissions data for 2016. Emissions are down 25 percent compared to a 22 percent reduction goal for 2020 in the CPP, and a 28 percent goal by 2025. The emission goals will likely be met without the CPP.

The Clean Power Plan will very likely be repealed, and won't be missed.

David T. Stevenson is director of the Center for Energy Competitiveness at the Caesar Rodney Institute. He served on the Trump administration's EPA transition team.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Eric Wilson
Sent: Thur 9/28/2017 3:41:10 PM
Subject: Help Protect Refiners Jobs In Reference to Docket ID No. EPA-HQ- OAR-2017-0091

Samantha Dravis,

The time is now to help prevent a massive loss of good-paying American jobs. The EPA currently implements the Renewable Fuel Standard in a way that makes all U.S. refiners responsible for ensuring that certain levels of renewable fuels are blended into gasoline, even if they do not have capabilities to do such blending.

This nonsensical set-up allows large integrated oil companies that blend more fuel than they refine and big convenience store gasoline chains (who do much of the blending) to collect valuable credits for the renewable fuel they blend into the pure gasoline they get from refineries. Independent refiners, who do little or no blending themselves, then end up purchasing those credits in order to demonstrate compliance with a process they have little control over. Small and independent refiners are at risk of going offline due to this backwards regulation, with 75,000-150,000 U.S. workers potentially impacted.

Please, help save our jobs and make this right. Please move the point of obligation for the RFS (Docket ID No. EPA-HQ- OAR-2017-0091) in a way that fixes this inequity.

Thank you.

Eric Wilson
903 Brookley
Toledo, OH 43607

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Carrie-Lee Early
Sent: Mon 7/24/2017 3:15:56 AM
Subject: hoping to reconnect

Hi Samantha,
Congratulations on your move to EPA! A great place to be -- needs so much new direction. Very exciting.

As I said in the caption, I hope you remember me (we first met in 2012 Romney effort in FL and have run into each other a few times since).

Any chance of getting together for coffee? Would love to catch up and I am networking for a job these days.

Thanks so much Samantha.

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kesten Green[Kesten.Green@unisa.edu.au]
From: Armstrong, J Scott
Sent: Fri 8/4/2017 2:22:10 PM
Subject: Re: Suggestions on the RedTeam-Blue Team plan

Thank you, Samantha.

Scott

On 8/4/17, 9:58 AM, "Dravis, Samantha" <dravis.samantha@epa.gov> wrote:

I will pass your message on to Administrator Pruitt.

Regards,
Samantha

Sent from my iPad

> On Aug 4, 2017, at 8:03 AM, Armstrong, J Scott <armstrong@wharton.upenn.edu> wrote:
>
> Hi Again, Samantha Dravis,
>
> Just checking. Can you confirm that you received this message?
>
> Thanks,
>
> Scott
>
> Dear Samantha Dravis,
>
> Kesten Green and I have been working on ideas for running Red Team-Blue Team exercises in the
hope that you are able to pass our notes on to Scott Pruitt. Might you be able to do so?
>
> Thank you,
>
> J. Scott Armstrong, Professor
> The Wharton School, JMHH 747
> U. of Pennsylvania, Phila., PA 19104
> Home Phone 610-622-6480
>
>

>
> Dear Administrator Pruitt,
>
> Congratulations on the excellent changes that you have made at the EPA to date.
>
> My colleague Kesten Green and I applaud your plan to use a red-team process for reviewing
regulations. We have been inspired by your plan to compile evidence-based suggestions on how best to
implement a Red team-Blue team exercise for your consideration.
>
> Our brief report is attached. We hope that it will be of some use to you.
>
> Sincerely,

>
> J. Scott Armstrong, Professor
> The Wharton School
> U. of Pennsylvania, Phila., PA 19104
> Home Phone 610-622-6480
> Homepage<<https://marketing.wharton.upenn.edu/profile/jscott/>>
>
> Kesten C. Green
> University of South Australia
> Adelaide, SA 5000, Australia
>
>
>
> <Red-team suggestions-R11.docx>

To: Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: 'Warner, Elizabeth'[elizabeth.warner@santeecooper.com]; Brown, Byron[brown.byron@epa.gov]
From: Stephen Fotis
Sent: Thur 7/27/2017 8:07:16 PM
Subject: RE: [EXTERNAL SENDER] RE: Call

Samantha and Byron – I know how busy you both must be, but wanted to see if we can find a time when we could briefly talk about CCRs – as follow up to Santee Cooper's conversation with Administrator Pruitt last Monday in South Carolina. The following times would work for me and Elizabeth Warner of Santee Cooper early next week: Monday, July 31 from 2 to 5 PM, and Tuesday, anytime except from 10 AM to 12 noon. Please let us know if any of those times work for your schedules.

Many thanks,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Stephen Fotis
Sent: Tuesday, July 25, 2017 11:26 AM
To: 'Dravis, Samantha'; Greenwalt, Sarah
Cc: Warner, Elizabeth; Brown, Byron
Subject: RE: [EXTERNAL SENDER] RE: Call

Thanks Sarah. Samantha please let us know when it is convenient to follow up with you and Byron on the CCR issues.

Best,

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Tuesday, July 25, 2017 11:24 AM
To: Greenwalt, Sarah
Cc: Stephen Fotis; Warner, Elizabeth; Brown, Byron
Subject: Re: [EXTERNAL SENDER] RE: Call

Oh ok! No problem

Sent from my iPhone

On Jul 25, 2017, at 11:23 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Sam, sorry for the confusion, but this call at 11 was to discuss something raised at our meeting the other day, not CCR. I think Stephen will be working to set up a separate call on CCR with you and Byron.

Sent from my iPhone

On Jul 25, 2017, at 11:04 AM, Stephen Fotis <scf@vnf.com> wrote:

That is fine. Why don't you call my number – 202 298-1908.

Stephen

Stephen Fotis

Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]
Sent: Tuesday, July 25, 2017 11:02 AM
To: Warner, Elizabeth
Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha
Subject: Re: [EXTERNAL SENDER] RE: Call

I am running a few minutes behind at another meeting. Sorry, if you'll give me 5 minutes that would be great.

Sent from my iPhone

On Jul 24, 2017, at 6:49 PM, Warner, Elizabeth
<elizabeth.warner@santeecooper.com> wrote:

Sarah,

11 a.m. suits Stephen and me. Should we call your office?

Thanks also for the opportunity to talk with Byron and Samantha. Stephen is

coordinating getting in touch with them quickly to share information.

Thanks,

Babs

Elizabeth Henry Warner

Vice President Legal Services and

Corporate Secretary

Santee Cooper

(843) 761-7044

ehwarner@santeecooper.com

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From: Greenwalt, Sarah [<mailto:greenwalt.sarah@epa.gov>]

Sent: Monday, July 24, 2017 6:08 PM

To: Warner, Elizabeth

Cc: Stephen Fotis; Brown, Byron; Dravis, Samantha

Subject: [EXTERNAL SENDER] RE: Call

WARNING: This e-mail is from an external sender. Use caution when opening attachments and clicking links.

Thank you Elizabeth! It was a very productive meeting. I'm cc'ing Byron Brown and Samantha Dravis who are very familiar with CCR. If you would please communicate to them what you were sharing with the Administrator today, that would be very helpful.

As of now, I'm free from 11-11:30 and 3:00-3:45 to discuss the other.

Thanks!

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Warner, Elizabeth [<mailto:elizabeth.warner@santeecooper.com>]

Sent: Monday, July 24, 2017 2:09 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Stephen Fotis <scf@vnf.com>

Subject: Call

Sarah,

Very nice to meet you today. Thanks for all the work you have been doing on water issues for EPA. Stephen Fotis and I are available for a call re ELG anytime tomorrow. Stephen is very familiar with the issues we discussed. We look forward to hearing from you.

Thanks,

Babs

Elizabeth Henry Warner
Vice President Legal Services and
Corporate Secretary
Santee Cooper
(843) 761-7044
ehwarner@santeecooper.com

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To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Melissa Shute[MSHUT@statoil.com]
From: Thomas Cunningham
Sent: Thur 9/14/2017 8:11:29 PM
Subject: great event today at CNAS/meeting request
Geir Westgaard Bio 2017.docx

Dear Ms. Dravis,

Thank you so much for sharing the thinking of the Administration on climate policy today. It was very useful. I wanted to follow up on your generous offer and reach out to you: I'd like to propose a meeting with you and Statoil's new DC head of office and my new boss, Geir Westgaard. His bio is attached.

Our business in the US is a core priority for Statoil. We have been operating here for over 30 years, and we have invested \$30 billion into the US economy since 2004. A meeting would give us the opportunity to explain our current and planned work in the US – onshore, offshore, and in new energy solutions. But more importantly, we would like to place ourselves at your disposal to answer any questions about our operations, strategy, or policy positions.

Thank you!

Best regards,

Tom

Thomas Cunningham
Director, International
Political & Public Affairs

Mobile: +1 202 213 7346
Telephone: +1 202 370 5223
Email: thcu@statoil.com

www.statoil.com

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Thank you

Geir Westgaard is Vice President, Political & Public Affairs, and head of Statoil's office in Washington, D.C.

Before taking up his current assignment, he spent 5 years with Statoil's Global Strategy & Business Development team in London as head of (geo)political risk analysis. Between 2008 and 2012, Westgaard ran Statoil's EU affairs office in Brussels. He has also worked on sustainability issues both within Statoil and at Business for Social Responsibility (BSR) in San Francisco. Westgaard is a former Norwegian diplomat whose postings abroad included Moscow, Vilnius, and Washington, D.C. He has worked as a foreign policy adviser to the Prime Minister of Norway (1995-1997) and a special adviser in charge of High North (Arctic) policy to the Foreign Minister of Norway (2006-2008). Westgaard is a political scientist. He holds a BA from the University of Oslo and a Master of International Affairs/Soviet studies from Columbia University. He has also spent a year as a foreign policy Fellow at Harvard University's Weatherhead Center for International Affairs.

To: Tracy Mehan[tmehan@awwa.org]
From: Tracy Mehan
Sent: Tue 10/10/2017 8:23:04 PM
Subject: AWWA on Farm Bill

AWWA Press Release

AWWA calls for Farm Bill measures that protect drinking water sources, encourage partnerships

October 10, 2017

(WASHINGTON, DC) – With excess nutrients impacting water quality nationwide, the American Water Works Association (AWWA) today urged U.S. Congress to use the upcoming Farm Bill reauthorization to help farmers and water utilities work together to protect the nation's drinking water.

Large algal blooms resulting from nutrients have threatened water quality throughout the country, including shutting down the drinking water supply for the entire city of Toledo, Ohio, in 2014.

"Water utilities and farmers are eager to collaborate on projects that protect public health and the environment, reduce the cost of water treatment and help farmers succeed," said Tracy Mehan, AWWA executive director of government affairs. "Our nation's farmers do heroic work to put food on the tables of Americans every day. There's an opportunity through the Farm Bill to encourage partnerships that allow them to meet their production goals while protecting our nation's drinking water."

The U.S. Department of Agriculture provides funding to encourage implementing conservation practices on agricultural land. While these programs have been effective at addressing a host of environmental issues, historically they have been under-utilized in tackling drinking water concerns. AWWA is advocating that the reauthorized Farm Bill:

- Provide robust overall funding for the conservation title.
- Emphasize protecting water to safeguard public health.
- Expand opportunities for the Natural Resources Conservation Service (NRCS) to work with water systems to prioritize activities in each state.
- Increase benefits for farmers who employ practices that benefit downstream water quality.
- Ensure at least 10 percent of conservation program funds, Title 2 in the Farm Bill, is focused on the protection of drinking water.

"As we work to complete a new Farm Bill in the coming year, we need to identify and provide financial and technical resources to landowners and land managers to protect and conserve our natural resources," said John Larson, Senior Vice President of Policy and Programs at American Farmland Trust. "Collaboration with the American Water Works Association to identify opportunities for farmers and ranchers to protect drinking water for communities helps to build a larger coalition of supporters for conservation and the Farm Bill."

Innovative water utilities are already partnering with farming operations to protect their water supplies using programs such as the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP) and the Regional Conservation Partnership Program (RCPP). In Northwest Arkansas, an alliance of agricultural, water and environmental stakeholders received \$4.3 million from NRCS and provided another \$4.3 million in local and state contributions – both cash and in-kind – to rehabilitate a river and implement on-farm conservation practices.

"The Farm Bill currently provides the best opportunity to bring significant resources to the table to protect drinking water," said Alan Fortenberry, CEO of Beaver Water District, Ark., a key leader in the Arkansas alliance.

In Cedar Rapids, Iowa, the utility is working with 15 partners – including the Iowa Soybean Association – to adopt

practices that protect the city's water supply. The partners are contributing \$2.3 million in technical and financial assistance and the NRCS is providing another \$2.1 million.

AWWA, the largest association of water professionals in the world, is sharing case studies that highlight agriculture-utility collaborations through its publications, conferences and other learning opportunities. The Farm Bill work – and the broader issue of protecting water supplies – will be among the key issues AWWA members bring to Capitol Hill next spring during the 2018 Water Matters! Fly In.

###

Established in 1881, the American Water Works Association is the largest nonprofit, scientific and educational association dedicated to managing and treating water, the world's most important resource. With approximately 50,000 members, AWWA provides solutions to improve public health, protect the environment, strengthen the economy and enhance our quality of life.

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American Water Works Association
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To: Shapiro, Mike[Shapiro.Mike@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Zomer, Jessica[Zomer.Jessica@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Rees, Sarah[rees.sarah@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Thundiyil, Karen[Thundiyil.Karen@epa.gov]; Covington, James[Covington.James@epa.gov]; Benware, Richard[Benware.Richard@epa.gov]; Allen, Ashley[Allen.Ashley@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Sandy Evalenko; **Personal Email/Ex. 6**; Pritts, Jesse[Pritts.Jesse@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]
From: Neugeboren, Steven
Sent: Mon 7/17/2017 8:42:15 PM
Subject: please check if you might have my phone after steam meeting . . .

I went back to 3233 and no phone is there. If you were at the meeting towards my end of the table, could you please check and see if you happened to pick up the phone by accident. Again, call me at **Personal Phone/Ex. 6** if you find it. Thanks!

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

From: Neugeboren, Steven

Sent: Monday, July 17, 2017 4:30 PM

To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Jordan, Ronald <Jordan.Ronald@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Rees, Sarah <rees.sarah@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>; Covington, James <Covington.James@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Allen, Ashley <Allen.Ashley@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Sandy Evalenko **Personal Email/Ex. 6**; Pritts, Jesse <Pritts.Jesse@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>

Subject: phone seen in 3233 after steam meeting?

Importance: High

It's mine. Heading back. Pls call me at [Personal Phone/Ex. 6] if you found it. Thanks!

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

-----Original Appointment-----

From: Shapiro, Mike

Sent: Tuesday, May 09, 2017 10:44 AM

To: Shapiro, Mike; Greenwalt, Sarah; Southerland, Elizabeth; Wood, Robert; Matuszko, Jan; Jordan, Ronald; Neugeboren, Steven; Fotouhi, David; Levine, MaryEllen; Zomer, Jessica; Dravis, Samantha; Bolen, Brittany

Cc: Rees, Sarah; Brown, Byron; Thundiyil, Karen; Covington, James; Benware, Richard; Allen, Ashley; Sawyers, Andrew; Sandy Evalenko; Pritts, Jesse; Forsgren, Lee; Best-Wong, Benita; Zobrist, Marcus

Subject: Reconsideration of Steam Electric ELGs

When: Monday, July 17, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 3233 WJCE Call in [Non-responsive Conference Code/Ex.6] passcode [Non-responsive Conference Code/Ex.6]

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov];
inge.carolyn14@yahoo.com[inge.carolyn14@yahoo.com]
From: Concur Travel
Sent: Tue 9/12/2017 7:11:58 PM
Subject: Concur Itinerary 09/18/2017: TRIP FROM WASHINGTON, DC TO NEW YORK, NY (ZRHL3K)
[WAS-NYP.ics](#)
[NYP-WAS.ics](#)
[Renaissance New York Hotel Times Square.vcf](#)

Trip Overview

Trip Name: Trip from Washington, DC to New York, NY
Start Date: September 18, 2017
End Date: September 19, 2017
Created: September 12, 2017, SAMANTHA DRAVIS (Modified: September 12, 2017)
Description: NYC: The Administrator will be traveling to New York to participate in a discussion at the Concordia Annual Summit . He will discuss the current state of the EPA. He will also participate in various media interviews.
Agency Record Locator: ZRHL3K
Passengers: Samantha K Dravis
Total Estimated Cost: **\$301.00 USD**
Agency Name: BCD_EPA

Reservations

Monday, September 18, 2017



Train Washington - Union Station to New York - Penn Station

Amtrak 56

Departs: 08:10 AM
Washington - Union Station
Duration: 3 hours, 11 minutes
Seat: No seat assignment
Arrival: 11:21 AM
New York - Penn Station

Status: Not purchased through the reservation system

Additional Details

Class: Y



Renaissance New York Hotel Times Square

714 7th Ave, Two Times Square

Checking In: Mon Sep 18
Room 1, Days 1, Guests 1
Checking Out: Tue Sep 19

Confirmation: 90028263
Status:Confirmed

Additional Information

Daily Rate: \$301.00 USD

Total Rate: \$301.00 USD

Room Details

Room Description: RoomDescriptionCodeGMEF00

Remarks



CANCEL 3 DAYS PRIOR TO ARRIVAL

Tuesday, September 19, 2017



Train New York - Penn Station to Washington - Union Station

Amtrak 193

Departs: 05:39 PM
New York - Penn Station
Duration:3 hours, 34 minutes
Seat:No seat assignment
Arrival: 09:13 PM
Washington - Union Station

Status:Not purchased through the reservation
system

Additional Details

Class: Y



Total Estimated Cost

Hotel: \$301.00 USD

Total Estimated Cost: \$301.00 USD

Remarks

YOUR AMTRAK CONFIRMATION IS *39C439*
FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT

THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

YOUR AMTRAK RESERVATION NUMBER IS .
AMTRAK TICKETS ARE NON REFUNDABLE IF LOST OR STOLEN
OR IF RESERVATION IS NOT CANCELED PRIOR TO DEPARTURE.
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YOUR TICKET HAS BEEN ISSUED ELECTRONICALLY WITH AMTRAK
YOU WILL NOT RECEIVE A PAPER TICKET. PLEASE PROCEED TO A
QUICK-TRAK KIOSK AND SWIPE YOUR CREDIT CARD TO PRINT
YOUR TICKET FOR BOARDING

**Amtrak Train # 193 from New York - Penn Station -
> Washington - Union Station
(3 hours and 34 mins.)**

20170919T213900Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20170919T213900Z

End Date/Time

20170920T011300Z

DTSTAMP

20170919T213900Z

Location

Summary

Amtrak Train # 193 from New York - Penn Station -> Washington - Union Station
(3 hours and 34 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington, DC to New York, NY

Start Date: September 18, 2017

End Date: September 19, 2017

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Agency Record Locator: ZRHL3K

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 301.00 USD

Agency Name: BCD\_EPA

**Reservations**

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Monday, September 18, 2017

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Amtrak 56

Departs: 08:10 AM
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Seat: No seat assignment
Arrival: 11:21 AM
New York - Penn Station
Status: Not purchased through the reservation system
Class: Y

Renaissance New York Hotel Times Square

714 7th Ave, Two Times Square
New York, New York, 10036
US
212-765-7676

Checking In: Mon Sep 18
Room 1, Days 1, Guests 1
Checking Out: Tue Sep 19
Confirmation: 90028263
Status: Confirmed
Daily Rate: \$ 301.00 USD
Total Rate : \$ 301.00 USD
Room Details
Room Description: RoomDescriptionCodeGMEF00
Remarks
CAN CEL 3 DAYS PRIOR TO ARRIVAL

Tuesday, September 19, 2017

Train New York - Penn Station to Washington - Union Station

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Total Estimated Cost

Hotel: \$ 301.00 USD
Total Estimated Cost: \$ 301.00 USD
Remarks

~~~~~

YOUR AMTRAK CONFIRMATION IS \*3 9C439\*  
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\*\*\*\*\*

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\*\*\*\*\*

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SWIPE YOUR CREDIT CARD TO PRINT  
YOUR TICKET FOR BOARDING

**UID**

ZRHL3K-2017-09-19T21:39:00.000Z-2017-09-20T01:13:00.000Z@conkursolutions.com

**Priority**

3

**Time Transparency**

OPAQUE

**TRIGGER**

-PT180M

**REPEAT**

2

**DURATION**

PT60M

**ACTION**

DISPLAY

**Description**

3 Hours to your flight NYP -> WAS

## Renaissance New York Hotel Times Square

714 7th Ave, Two Times Square,;New York;New York;10036;US

212-765-7676 ( Work Voice )

212-765-1962 ( Work Fax )

### Version

2.1

### Organization

Renaissance New York Hotel Times Square

Telephone Number ( Work Voice )

212-765-7676

Telephone Number ( Work Fax )

212-765-1962

Address ( Work )

*P.O. Address:*

*Extended Address:*

*Street:* 714 7th Ave, Two Times Square,

*Locality:* New York

*Region:* New York

*Postal Code:* 10036

*Country:* US

Delivery Label ( Work )

714 7th Ave, Two Times Square,;New York;New York;10036;US

### Comment

Checkin Time: 16:00

Checkout Time: 12:00

Directions to Hotel:

Direction To The Property From Airport Ewr - Take The Lincoln Highway/us-1/us-9 To I-95 N/new Jersey Turnpike /toll Road/. Keep Left At The Fork To Continue Toward I-95 N. Take Exit 16e-18e To Merge Onto I-95 N Toward Us-46/ Lincoln Tunnel /partial Toll Road/. Travel 5.5 Miles And Take Exit 16 Toward Lincoln Tunnel /partial Toll Road/. Travel 0.5 Miles And Merge Onto Nj-495 E /partial Toll Road/. Entering New York. Continue Onto Lincoln Tunnel /toll Road/ And Take The Exit Toward W 40th St. Keep Left At The Fork And Follow Signs For New York 9a/42 Street/uptown/theater District And Then Turn Right Onto W 40th St. Turn Left At The 2nd Cross Street Onto 8th Ave. Turn Right On 48th Street. Take The 2nd Right Onto 7th Ave. The Hotel Will Be On The Right. Direction To The Property From Airport Jfk - Head Northeast And Take A Slight Right Onto Jfk Access Rd. Continue Onto Van Wyck Expy, Continue Onto I-678 N. Take Exit 12b For I-495 W/I I Expy Toward Midtown Tunnel. Merge Onto I- 495 W, Slight Right Toward E 37th St.

**Last Revision**

9/12/2017 3:11:58 PM

**Amtrak Train # 56 from Washington - Union Station -  
> New York - Penn Station  
(3 hours and 11 mins.)**

**20170918T121000Z**

**Version**

2.0

**METHOD**

PUBLISH

**Start Date/Time**

20170918T121000Z

**End Date/Time**

20170918T152100Z

**DTSTAMP**

20170918T121000Z

**Location**

**Summary**

Amtrak Train # 56 from Washington - Union Station -> New York - Penn Station  
(3 hours and 11 mins.)

**Description**

Trip Overview

~~~~~

Trip Name: Trip from Washington, DC to New York, NY

Start Date: September 18, 2017

End Date: September 19, 2017

Created: September 12, 2017, SAMANTHA DRAVIS (Modified: September 12, 2017)

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Agency Record Locator: ZRHL3K

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 301.00 USD

Agency Name: BCD_EPA

Reservations

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Monday, September 18, 2017

-----

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New York, New York, 10036  
US  
212-765-7676

Checking In: Mon Sep 18  
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Total Rate : \$ 301.00 USD  
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Remarks  
CANCEL 3 DAYS PRIOR TO ARRIVAL

Tuesday, September 19, 2017

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Amtrak 193

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Total Estimated Cost: \$ 301.00 USD  
Remarks

~~~~~

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UID

ZRHL3K-2017-09-18T12:10:00.000Z-2017-09-18T15:21:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight WAS -> NYP

To: Letendre, Daisy[letendre.daisy@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Fava, Andrea
Sent: Mon 10/2/2017 8:21:39 PM
Subject: RE: Invite to Smart Sectors Launch Event with Administrator Pruitt

Hi, Daisy. Thank you so much for including us! We're still struggling to make our schedule work. I won't be attending tomorrow, but will loop back with ITI to hear how it goes. Please keep us in the loop as you progress with next steps! Best, Andrea

Andrea Fava | Public Policy Director | Amazon

afava@amazon.com | T 202.442.2952 | M 202.580.9510

From: Letendre, Daisy [mailto:letendre.daisy@epa.gov]
Sent: Saturday, September 30, 2017 8:29 PM
To: Fava, Andrea <afava@amazon.com>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: Invite to Smart Sectors Launch Event with Administrator Pruitt

Andrea - circling back on this invite. Hope you can make it Tuesday.

Best,

Daisy

Sent from my iPhone

On Sep 29, 2017, at 3:37 PM, Letendre, Daisy <letendre.daisy@epa.gov> wrote:

Andrea –

Samantha Dravis asked that I extend this invite to you to our event next Tuesday. ITI's President and CEO Dean Garfield will be in attendance, if you are able to attend I will be

sure to seat you with him. I hope you can make it! Let me know if you have further questions.

On behalf of U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, I am pleased to have you in attendance for the launch of the Smart Sectors Program on Tuesday, October 3, 2017 at 2:00PM.

Below you will find additional details about the event. Please do not hesitate to reach out should you have any questions or concerns. We look forward to seeing you.

Best,

Daisy C. Letendre

Senior Advisor for Policy and Strategic Communications

Office of the Administrator

Office of Policy

(202) 603-6231

<image001.png>

EPA Smart Sectors Launch Event

Who:

U.S. EPA Administrator Scott Pruitt welcomes CEOs and leadership from 30+ trade associations and their member companies.

What:

Administrator Pruitt will announce the launch of Smart Sectors, a voluntary partnership program at EPA that enables better communication with regulated sectors in order to develop sensible forward-looking approaches to deliver EPA's mission. The Administrator will give remarks, and there will be an opportunity for brief introductions and Q&A. This event is closed press.

When:

Tuesday, October 3, 2017 at 2:00PM

Doors Open 1:30PM, please arrive no later than 1:50PM

Where:

EPA Headquarters

Rachel Carson Green Room

William Jefferson Clinton North Building

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

**See attached flier for directions to EPA Headquarters*

Security Note:

If you are receiving this email, your name will be included on a list at the north entrance security guard station to expedite entry. Please bring a photo ID. Someone will be on hand to escort you to the Rachel Carson Green Room. If there are additional people attending with you who did not receive this email, please send me their names and titles to ensure they are included on the list.

<SSP_Travel Logistics.pdf>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Newberry, Edward
Sent: Thur 9/7/2017 9:18:16 PM
Subject: Formaldehyde - TIMELY

Hi Sam,

I just received an urgent call from one of our clients, who manufactures, among other things, formaldehyde. They have been told that Tina Bahadori, Director of NCEA at EPA, (she a career employee who assumed the director job this past January) , has told people that she will release – as soon as next week – a toxicological assessment for formaldehyde. That assessment is expected to claim, based on a single small and flawed (flawed according to the National Academy of Sciences) study of Chinese workers that has been contradicted by other credible research, a link between formaldehyde and leukemia. According to the industry, the negative impacts of releasing such a study, particularly one that is contradicted by the weight of scientific evidence, are broad and enormous and this is the highest issue for the company. Other big companies like Georgia Pacific and others would be affected as well.

Senior management would like to meet with the Administrator as soon as possible – critical because they are told release of the report may come next week. Is that something that can be arranged? I am calling the Scott's office (I left a message for Millan) as well but wanted to give you a head's up and see if you could help. I am told that Ryan has been briefed on this and another colleague of mine is reaching out to him.

Hope you are well. I also wanted to follow up on the Potash Corporation issue we discussed a couple of weeks ago (summary below). Client (PCS) is eager to meet with you and the others as we discussed. Any chance we can get something set up for next week?

Thanks Sam.

Ed

Begin forwarded message:

From: "Newberry, Edward" <edward.newberry@squirepb.com>
Date: August 25, 2017 at 5:04:13 PM EDT
To: "dravis.samantha@epa.gov" <dravis.samantha@epa.gov>
Cc: "Winters, Karen A." <karen.winters@squirepb.com>,
"Jessica.DeMonte@potashcorp.com" <Jessica.DeMonte@potashcorp.com>
Subject: PotashCorp

Sam,

Thanks for talking with me earlier this week. We represent PotashCorp, the largest fertilizer company in the world producing potash, nitrogen and phosphate. Its subsidiary PCS Phosphate, has two phosphate mines in the US, one of which is located in Aurora, North Carolina.

As we discussed, we'd like to come in and visit with you, Brittany and Mandy Gunasakara about a rule implemented during the Obama-era. See *Phosphoric Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing*, 80 Fed. Reg. 50386 (August 19, 2015). The rule establishes mercury emissions limits for existing calciners (a calciner is a rotating steel cylinder used to heat and process the phosphate rock). The Aurora calciners are the only calciners in the country subject to the limit. The mercury limit is based on a statistically limited data set not representative of existing conditions. The limit also fails to take into account the variability of the mercury in the phosphate rock, which PCS Phosphate has no ability to control.

In setting the limit, US EPA determined that there was no adverse health risk associated with mercury emissions from the Aurora facility. EPA's Research Triangle Park office has expressed interest in working with PCS Phosphate to revise the limits, but has indicated they need direction from EPA headquarters.

The issue is critical because the projected cost of emissions controls may impact the viability of the facility, along with the jobs of its 850 employees and the hundreds of collateral businesses and jobs that support the facility and its operations. Moreover, controls are untested and may in fact prove not to be feasible.

North Carolina has already provided PCS Phosphate with what relief they can, however a new limit must be set and addressed through a rule revision on the federal level.

I would appreciate it if you were able to meet with me and my partner, Karen Winters, along with Jessica DeMonte, senior counsel for PCS. We are flexible on scheduling however anytime next Wednesday or Thursday or the week of September 11 would be best.

Thanks again. I look forward to seeing you.

Ed

46 Offices in 21 Countries

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

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#US

To: Wingo-Huntley, Deloris[Wingo-Huntley.Deloris@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]
From: EPA@BCDTRAVEL.COM
Sent: Tue 8/1/2017 1:04:02 PM
Subject: Authorization Required: Travel for Dravis/Samantha K * Travel date – 02Aug17 * REF: J1L6L6

Name: DRAVIS/SAMANTHA K
Locator: J1L6L6
Travel Date: 02Aug
Booking Pcc: 2F8M

Please ensure that your travel authorization is approved at least 72 hour prior to departure to enable ticketing and avoid possible cancellation.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA04SKJ

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
08/02/2017 DCA- DL 714 Confirmed 06:05 AM/07:36 AM Economy / T
DTW
08/02/2017 DTW- DL 917 Confirmed 08:26 AM/09:39 AM Economy / T
IND
08/02/2017 EVV- DL 3410* Confirmed 04:50 PM/07:20 PM Economy / L
DTW
08/02/2017 DTW- DL 2103 Confirmed 08:25 PM/09:34 PM Economy / T
DEN
08/04/2017 DEN- DL 1517 Confirmed 06:22 AM/11:22 AM Economy / T
ATL
08/04/2017 ATL- DL 2349 Confirmed 12:07 PM/01:58 PM Economy / T
DCA

.
Delta Air Lines Flight DL714 Economy

.
Depart: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States

06:05 AM Wednesday, August 2 2017
Arrive: Wayne County, EM - E.M. McNamara [Weather](#)
Terminal
Detroit, Michigan, United States
07:36 AM Wednesday, August 2 2017

.
Duration: 1 hour(s) and 31 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Boeing (Douglas) MD-90
Seat: 15B (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs

.
Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

.
Delta Air Lines Flight DL917 Economy

.
Depart: Wayne County, EM - E.M. McNamara [Weather](#)
Terminal

Detroit, Michigan, United States
08:26 AM Wednesday, August 2 2017
Arrive: Indianapolis International Airport [Weather](#)
Indianapolis, Indiana, United States
09:39 AM Wednesday, August 2 2017

.
Duration: 1 hour(s) and 13 minute(s) Non-stop
Total duration: **3 hour(s) and 34 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Boeing 717-200
Seat: 15C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 231 miles / 371.679 kilometers
CO2 Emissions: 127.05 lbs/57.75 kgs
.

.
Delta Air Lines Flight DL3410 Economy

.
Depart: Dress Regional [Weather](#)
Evansville, Indiana, United States
04:50 PM Wednesday, August 2 2017
Arrive: Wayne County, EM - E.M. McNamara [Weather](#)
Terminal
Detroit, Michigan, United States
07:20 PM Wednesday, August 2 2017

.
Duration: 1 hour(s) and 30 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Canadair Regional Jet
*Operated By: Endeavor Air Dba Delta Connection
Seat: 10D (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 363 miles / 584.067 kilometers
CO2 Emissions: 159.72 lbs/72.6 kgs
.

.
Delta Air Lines Flight DL2103 Economy

.
Depart: Wayne County, EM - E.M. McNamara [Weather](#)

Terminal
Detroit, Michigan, United States
Arrive: ~~08:25 PM Wednesday, August 2 2017~~ [Weather](#)
Denver, Colorado, United States
09:34 PM Wednesday, August 2 2017
.
Duration: 3 hour(s) and 9 minute(s) Non-stop
Total duration: **5 hour(s) and 43 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Meal: Refreshments for Purchase
Equipment: Boeing 737-900 Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 1119 miles / 1800.471 kilometers
CO2 Emissions: 492.36 lbs/223.8 kgs
.

Delta Air Lines Flight DL1517 Economy

Depart: Denver International [Weather](#)
Denver, Colorado, United States
06:22 AM Friday, August 4 2017
Arrive: [Weather](#)
Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
11:22 AM Friday, August 4 2017
.
Duration: 3 hour(s) and 0 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX

Meal: Refreshments for Purchase
Equipment: Boeing (Douglas) MD-90
Seat: 20C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 1196 miles / 1924.364 kilometers
CO2 Emissions: 526.24 lbs/239.2 kgs
.

Delta Air Lines Flight DL2349 Economy

Depart: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
~~2:07 PM Friday, August 4, 2017~~
Arrive: Ronald Reagan National Terminal B
Washington, District of Columbia, United States
01:58 PM Friday, August 4 2017

Weather

Weather

Duration: 1 hour(s) and 51 minute(s) Non-stop
Total duration: **5 hour(s) and 36 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Airbus Industrie A321
Seat: 20C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs

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FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

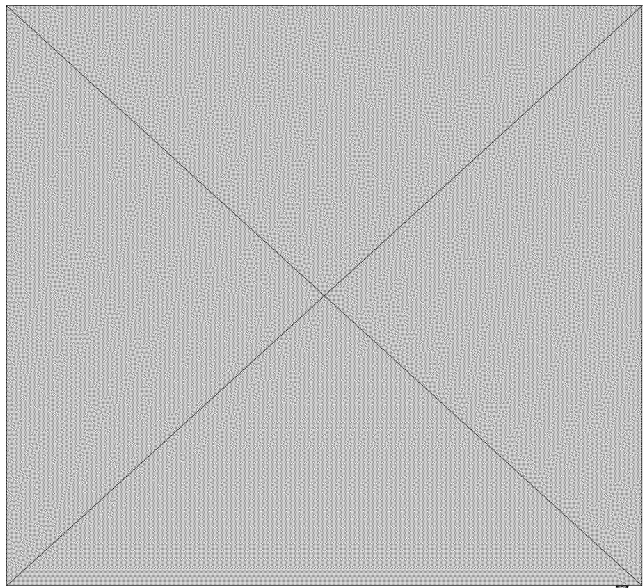
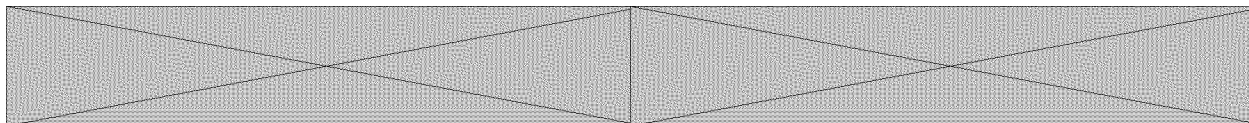
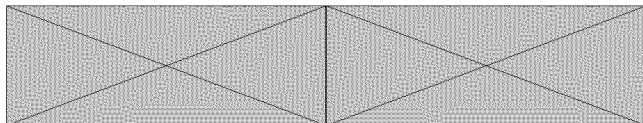
Email generated on 01Aug/1:03 PM UTC

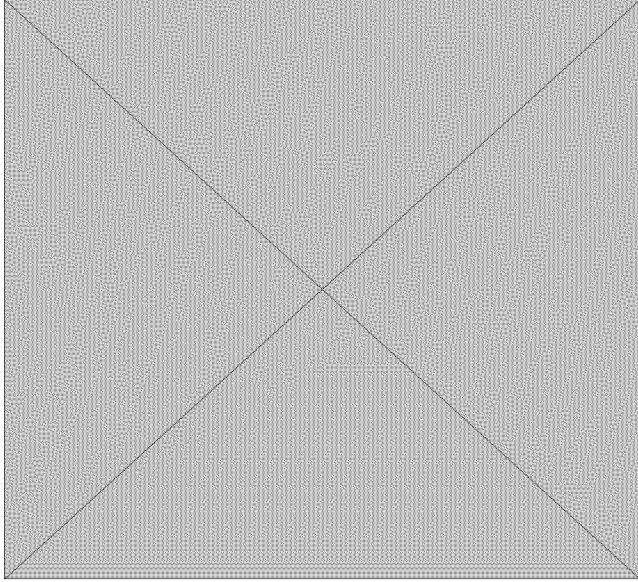
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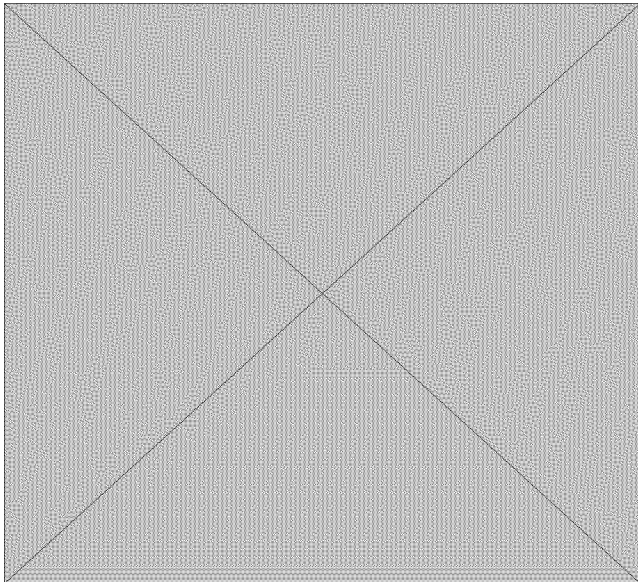
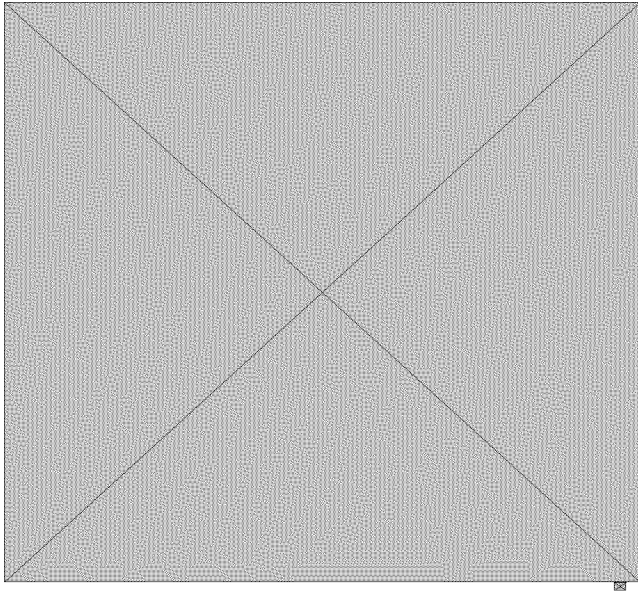
To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Hilton Honors
Sent: Thur 11/16/2017 11:10:08 PM
Subject: Brittany, Your Exclusive Hilton Honors Rewards Have Arrived!













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2017.11.16 US HH MKT REC HCR CORE5876 PartnerDigest HH EN

.....

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Roewer, James
Sent: Mon 8/14/2017 10:14:51 PM
Subject: FW: CCR R\Petition

Samantha, I see that Byron is out on vacation (as am I). Can you provide any updates on this?

Jim

From: Roewer, James
Sent: Monday, August 14, 2017 1:36 PM
To: Brown, Byron
Subject: CCR R\Petition

Byron,

Hope all is well with you. Can you convey any sense of timing re response to USWAG's rulemaking petition or the potential deadline extensions?

Jim

To: EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Tue 10/24/2017 2:27:56 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA0577P

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type
<u>10/26/2017</u>	DCA- ATL	DL 151	Confirmed	03:00 PM/04:57 PM	Economy / Y
<u>10/26/2017</u>	ATL- MSY	DL 811	Confirmed	05:49 PM/06:24 PM	Economy / Q
<u>10/26/2017</u>	MSY	Avis Rent A Car	Confirmed	10/26-10/27	Compact 2/4 Door
<u>10/26/2017</u>	MSY	Le Meridien New Orleans	Confirmed	10/26-10/27	
<u>10/27/2017</u>	MSY- ATL	DL 1277	Confirmed	05:55 PM/08:22 PM	Economy / K
<u>10/27/2017</u>	ATL- DCA	DL 2612	Confirmed	10:05 PM/11:46 PM	

Delta Air Lines Flight DL151 Economy

Depart: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
Arrive: ~~04:09 PM Thursday, October 26 2017~~ 04:57 PM Thursday, October 26 2017 Weather
Atlanta, Georgia, United States
04:57 PM Thursday, October 26 2017
.
Duration: 1 hour(s) and 57 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Airbus Industrie A321
Seat: 19B (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K
.
Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs
.
Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM
.

Delta Air Lines Flight DL811 Economy

Depart: Hartsfield-Jackson ATL, S - Terminal South Weather
Atlanta, Georgia, United States
05:49 PM Thursday, October 26 2017
Arrive: Weather
Louis Armstrong Intl
New Orleans, Louisiana, United States
06:24 PM Thursday, October 26 2017
.
Duration: 1 hour(s) and 35 minute(s) Non-stop
Total duration: **4 hour(s) and 24 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Boeing 757 Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K
.
Distance: 425 miles / 683.825 kilometers
CO2 Emissions: 187 lbs/85 kgs
.

.
Avis Rent A Car

Pick Up: New Orleans Intl Airport 600 Rental Blvd
Kenner 70062-8307, LA, United States; Tel: +1
(504) 464-9511

Drop Off: 06:24 PM Thursday, October 26 2017
New Orleans Intl Airport 600 Rental Blvd
Kenner 70062-8307, LA, United States; Tel: +1
(504) 464-9511
05:55 PM Friday, October 27 2017

.
Type: Compact Car Auto AC
Status: Confirmed
Daily Rate: USD 63.00
Extra Day: Unlimited Miles Per Extra Day
Allowance:
Extra Hour Fee: USD 47.26
Extra Hour: Unlimited Free Miles Per Extra Hour
Allowance:
Mileage: Unlimited Free Miles
Allowance:
Estimated Total: USD 96.59 plus tax and any additional fees
Confirmation: 47425905US2
Corp. Discount: XXXX021
FF Number:
CO2 Emissions: Each gallon of unleaded gasoline consumed is 19.6 lbs/8.91 kgs and litre of petrol is 5 lbs/2.31 kgs

.
Le Meridien New Orleans

Address: 333 Poydras St
New Orleans, LA 70130
United States

Tel: +1 (504) 525-9444

Fax: +1 (504) 581-7179
.

Check In/Check

Out:

Status: Confirmed

Number of 1

Persons:

Number of Rooms: 1

Number of Nights: 1

Rate per night: USD 142.00 plus tax and any additional fees

Guaranteed: Yes

Confirmation: 492269465

Corp. Discount: XXXX36

Cancellation Cancel by 400PM 26OCT17 local hotel time to avoid any charges.

Policy:

CO2 Emissions: Per night is approximately 63.8 lbs/29 kgs

.

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Delta Air Lines Flight DL1277 Economy

.

Depart: Louis Armstrong Intl
New Orleans, Louisiana, United States
05:55 PM Friday, October 27 2017

Weather

Arrive: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
08:22 PM Friday, October 27 2017

Weather

.

Duration: 1 hour(s) and 27 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Boeing 757 Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 425 miles / 683.825 kilometers

CO2 Emissions: 187 lbs/85 kgs

.

.

Delta Air Lines Flight DL2612 Economy

Depart: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
Arrive: ~~Ronald Reagan National~~ **11:46 PM Friday, October 27, 2017**
Washington, District of Columbia, United States
11:46 PM Friday, October 27 2017

Weather

Weather

Duration: 1 hour(s) and 41 minute(s) Non-stop
Total duration: **4 hour(s) and 51 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: HCVUWD
Equipment: Airbus Industrie A320
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs

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FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
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CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

24Oct/09:27AM

Air	Car	Hotel	Rail	Other
812.60 USD	96.59 USD	166.37 USD		
Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL151 26Oct DL811 26Oct DL1277 27Oct DL2612 27Oct	Total: USD 812.60	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.				

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 24Oct/2:27 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: virtualizationwebinars
Sent: Fri 12/1/2017 4:21:15 PM
Subject: Join Us at the Symantec Government Symposium December 5th

The Symantec Government Symposium is less than a week away, and we're excited to announce that **Jeanette Manfra**, DHS' chief cyber security official will deliver the morning keynote.

As the NPPD Assistant Secretary for the Office of Cybersecurity and Communications, Ms. Manfra will provide unique insight into the complex challenges facing government cyber security today - and the bold solutions needed to drive real change.

Don't miss afternoon keynotes from **Sue Gordon**, Principal Deputy Director of National Intelligence, ODNI, and **Virginia Governor Terry McAuliffe** as they share their thoughts on cyber coordination and innovation.

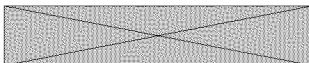
The Symposium will also feature its popular TECH Talks panel, three break-out tracks, and its first-ever hackathon challenge. We have more than 40 speakers in the program, from Commerce, DHS, GAO, GSA, HHS, NGA, OMB, and many others.

We look forward to seeing you at the Symposium on Dec. 5!

[Register today »](#)

Questions? Contact me.

Sean Kelley
Symantec Government Team at
Carahsoft Technology Corp.
703-871-8564 (Direct)
877-GOV-SYMC (Team)
sean.kelley@carahsoft.com
www.carahsoft.com/symantec



EVENT DETAILS

WHERE:

Renaissance, Washington, D.C.
999 Ninth St. NW

WHEN:

December 5, 2017
Registration begins at 7:15 a.m.
Program runs from
8:15 a.m.-2:45 p.m.

Contact:

Please contact [Allison Grondine](#) for more information.

REGISTER NOW

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: American Law Institute CLE
Sent: Mon 10/16/2017 11:04:07 AM
Subject: Ethical Issues When Practicing Across State Lines, 10/19

Please add ALICLE@learn.ali-cle.org to your address book. Thank you.
If you are having trouble reading this email, [read the online version](#).

Provides one hour of ethics instruction
If It's Tuesday, This Must Be Omaha:
The Ethics of Multi-Jurisdictional Practice
Telephone Seminar | Audio Webcast
Thursday, October 19, 2017 | 12:00 - 1:00 p.m. Eastern
Recorded June 14, 2017

Your law license is defined by geographic boundaries, though you may cross state lines in your practice. Sometimes crossing state lines can also result in crossing ethical lines. How do you know what aspects of legal practice you are allowed to do outside of your licensed jurisdiction?

Join us for this 60-minute examination of the limits on multi-jurisdictional practice and clarification on today's confusing court decisions on practicing across state lines led by legal ethics devotee, Eric T. Cooperstein. Topics will include:

- What it means to practice law "in" another jurisdiction, and when a lawyer can temporarily do
 - Whether federal practice provides a safe harbor
 - Which types of practices are clearly prohibited
- Possible liabilities in advising a client regarding the law of another jurisdiction
 - Risks for lawyers with "virtual" practices

Register today for this important ethics seminar. Register two or more from your organization and save.

Faculty

Eric T. Cooperstein, Law Office of Eric T. Cooperstein, PLLC, Minneapolis

Group Rate

Significant discounts are available when two or more registrants in the same physical location view or listen to an ALI CLE webcast or telephone seminar using one computer connection or telephone. **Save up to 50%!**

Questions?

Please don't hesitate to email us any questions you may have at custserv@ali-cle.org.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: davidstevenson1948@gmail.com
Sent: Tue 7/11/2017 5:48:12 PM
Subject: Ozone NAAQS question

Since implementation of 70 PPM standard for ozone has been delayed, shouldn't air quality reports revert to 75 PPM standard for daily AQI? Thanks.

David Stevenson

Director, Center for Energy Competitiveness

Caesar Rodney Institute

State Policy Network energy policy team?

Cell # 302-236-2050

Sent from [Mail](#) for Windows 10

To: kbulleit@hunton.com[kbulleit@hunton.com]; jean-baptiste@eli.org[jean-baptiste@eli.org];
tlindley@perkinscoie.com[tlindley@perkinscoie.com]; jtboer@hunton.com[jtboer@hunton.com];
slbrown@hunton.com[slbrown@hunton.com]; jeanne.christie@aswm.org[jeanne.christie@aswm.org];
GTCroot@imesacorp.com[GTCroot@imesacorp.com];
kdonovan@mwdh2o.com[kdonovan@mwdh2o.com]; Dravis, Samantha[dravis.samantha@epa.gov];
dduncan@hunton.com[dduncan@hunton.com]; pesterman@sprlaw.com[pesterman@sprlaw.com];
destrin@waterkeeper.org[destrin@waterkeeper.org]; Ford, Peter[Ford.Peter@epa.gov];
david.fotouhi@epa.gov[david.fotouhi@epa.gov]; goldmancarterj@nwf.org[goldmancarterj@nwf.org]; ragu-
jara.gregg@usdoj.gov[ragu-jara.gregg@usdoj.gov]; david@davidguestlaw.net[david@davidguestlaw.net];
mlopez@nezperce.org[mlopez@nezperce.org]; hmeltzer@law.nyc.gov[hmeltzer@law.nyc.gov];
jennifer.a.moyer@usace.army.mil[jennifer.a.moyer@usace.army.mil];
jmueller@cbf.org[jmueller@cbf.org]; Nagle, Deborah[Nagle.Deborah@epa.gov];
karen.pallansch@alexrenew.com[karen.pallansch@alexrenew.com];
karen.peters@phoenix.gov[karen.peters@phoenix.gov]; ruizg@si.edu[ruizg@si.edu];
mr@ryankuehler.com[mr@ryankuehler.com]; jerry_schwartz@afandpa.org[jerry_schwartz@afandpa.org];
cthomas@perkinscoie.com[cthomas@perkinscoie.com];
james.tierney@dec.ny.gov[james.tierney@dec.ny.gov]; lwilcher@elpolaw.com[lwilcher@elpolaw.com]
Cc: Amy Weinberg[aweinberg@ali-cle.org]; Pamela McCutcheon[pmccutcheon@ali-cle.org];
etherrien@perkinscoie.com[etherrien@perkinscoie.com]; laura@aswm.org[laura@aswm.org];
kstandridge@earthjustice.org[kstandridge@earthjustice.org];
mmcgrath@elpolaw.com[mmcgrath@elpolaw.com]
From: Pamela McCutcheon
Sent: Thur 9/28/2017 3:19:12 PM
Subject: ALI CLE (Clean Water Act)
[CZ010 fac ltr.pdf](#)

Good morning, all! Attached is your faculty packet for the ALI CLE program **Clean Water Act: Law and Regulation, December 4-5, 2017**, in Washington, DC. Please let me know if you have any questions regarding your packet.

Also, we are collecting contact info of the assistants of all members of faculty. If your assistant was not included on this email, I would greatly appreciate it, if you could please send me the (1) name, (2) phone number, and (3) email address of your assistant.

Thanks again for agreeing to participate on the faculty of this very fine course. We recognize and appreciate all that you do for us.

Pamela McCutcheon DeLarge

ALI CLE

4025 Chestnut Street

Philadelphia, PA 19104

CZ010

MEMORANDUM

TO: Planning Chairs and Faculty

FROM: Amy Weinberg

RE: **Clean Water Act: Law and Regulation**, December 4-5, 2017, Washington, D.C. at Hunton & Williams LLP

DATE: September 28, 2017

Thank you for agreeing to participate as a member of the faculty for the above-referenced ALI CLE and Environmental Law Institute program. Please take the time to review the attached documents:

1. Faculty contact list.
2. Information about the live webcast and subsequent archived recordings of the course, and PowerPoint slide guidelines.
3. Sample announcement and invitation to colleagues and clients to attend the course at reduced rates.
4. The program will be held at Hunton & Williams LLP, located at 2200 Pennsylvania Avenue, NW. A small block of rooms have been reserved at two nearby hotels. Traveling faculty must make their own hotel arrangements.

Hotel Lombardy, room rate: \$179 per night, single occupancy. This rate will be made available until **November 6, 2017**. Request the American Law Institute CLE group to qualify for the reduced rate. Reservations may be made by calling the Hotel Lombardy, 2019 Pennsylvania Avenue NW, Washington, DC 20006; (202) 828-2600 or (800) 424-5486, or online here: [https://www.reservations-page.com/C00519/H11150/ov.as\[x?pc=L3627](https://www.reservations-page.com/C00519/H11150/ov.as[x?pc=L3627).

Renaissance Washington, DC Dupont Circle Hotel, room rate \$219 per night for a standard room. This rate will be made available until **November 6, 2017**. Request the American Law Institute CLE Clean Water Act group to qualify for the reduced rate. Reservations may be made by calling the Renaissance Washington, DC Dupont Circle Hotel 1143 New Hampshire Avenue, NW, Washington, DC 20037; (800) 468-3571 or (202) 775-0800, or online here: <https://aws.passkey.com/event/49128443/owner/1687/landing>.

5. Faculty expense reimbursement policy and guidelines.

Course Brochure: Please refer to the online course brochure at <https://www.ali-cle.org/CZ010> for the most up-to-date program and faculty listing. Please note the date and time of your session and plan your presentation accordingly. We also encourage you to share the web address with colleagues and clients who might be interested in attending the program. If you would like any hard copies of the brochure for distribution, please contact us.

Study Materials: Course study materials, including power points, should be emailed to me at aweinberg@ali-cle.org and to my assistant, Pam, at pmccutcheon@ali-cle.org no later than **Monday, November 6, 2017**. In your cover email, please indicate which session each document applies to. NOTE: As part ALI CLE's effort to go green, course materials will be made available in electronic format for download only. *Print materials will not be distributed on-site.* Please be sure to bring a laptop or tablet with you to the program to access the study materials.

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Faculty Discounts and Outreach: We encourage you to promote your upcoming speaking engagement through your own outreach and/or your organization's web site, events calendar, and social media outlets. **To thank you for your voluntary participation, ALI CLE is pleased to provide you with one complimentary registration to the in-person course and a 50% discount for all additional registrations to the course or webcast, which we encourage you to extend to your colleagues and clients.** To request the complimentary registration, please contact the course attorney handling your program. The 50% discount can be obtained by entering the coupon code ALIFACULTY at checkout online or by calling ALI CLE Customer Service at 800-CLE NEWS. A sample announcement and invitation is attached for your convenience to send to others in your organization and to your clients.

Sponsorship: We frequently receive requests from firms that are interested in supporting our programs as a way to obtain additional exposure and promotional consideration. As you are a valued faculty member, we are pleased to offer your organization the right of first refusal, at a lower rate, to underwrite this course before we make it available to the broader marketplace of sponsors at our regular sponsorship rates. We will separately be sending you more detailed information about early sponsorship opportunities with ALI CLE. For more information, please contact our sponsorship coordinator, Dara Lovitz at dlovitz@ali-cle.org.

Strategic Outreach Initiative: We welcome you to invite experienced associates or their equivalents from underrepresented groups to assist in the preparation of study materials for this course. To view ALI CLE's *Strategic Outreach Initiative*, please see our web site at http://www.ali-cle.org/index.cfm?fuseaction=about.diversity_strategic.

If you have any questions or concerns, please feel free to contact me at aweinberg@ali-cle.org or by phone at (215) 243-1668 or my assistant Pam at pmccutcheon@ali-cle.org or (215) 243-1633.

ASW: pmd
Attachments

THE AMERICAN LAW INSTITUTE
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**Clean Water Act:
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Cosponsored by the Environmental Law Institute (ELI)

December 4-5, 2017
Washington, D.C.

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To: ALI CLE Course Faculty
Re: Live Webcasts of ALI CLE Courses of Study

As you may know, we are webcasting most courses live via the Internet, including your forthcoming program, to make ALI CLE's excellent courses of study available to a wider audience. Individuals and groups will be able to view (or if audio-only, hear) the program on their computers or projected on large screens in their offices. The study materials are made available electronically in downloadable, searchable form.

For many would-be registrants, this arrangement removes the time, travel, and cost constraints that often discourage course attendance. For you, this means that your office can bring the course *in house* during the webcast¹.

A technician on site will "stream" and record the entire live course, including opening remarks and Q&As. When concurrent sessions are scheduled, one session will be selected for live webcast, if appropriate.

Keeping on schedule is important to your faculty colleagues as well as to the audience, particularly if your course is being made available in half-day segments as well as in its entirety. If there are last-minute schedule or faculty changes, please bring those to the immediate attention of the ALI CLE staff attorney on site.

To ensure program continuity, we request that questions from the audience be in written form. Benefits to be gained from this should outweigh the loss of spontaneity, as the faculty is likely to contend with fewer interruptions and fewer redundant or ill-formed questions. Questions from the webcast audience will be printed and relayed to the faculty.

Attending an ALI CLE course of study presents unique opportunities for discussion and camaraderie. We hope that as those benefits become more apparent to new registrants, they will attend future courses on site. And when your office colleagues see/hear the live webcast and the archived course, they will better appreciate the time and expertise that you volunteered to participate on the course faculty.

We thank you in advance for your participation and cooperation.

¹Instructions for the webcast will be e-mailed to you before the course.

PowerPoint Slide Guidelines

General

- Plain and simple, no office or company logos
- Light/dark contrast between background and text
- Same background on all slides
- Short and simple text
- Font styles available on both PCs and Macs

Recommended Fonts Common to PCs and Macs

- Arial
- Lucida Sans Unicode
- Tahoma
- Trebuchet MS
- Verdana

Text sizes

5"

- Heading 44pt
- Subtitle 32-36pt
- Paragraphs 28pt
- Explanatory text 24pt

Readability Considerations

- Groups will be 20 or more feet away from the projected image.
- Computer screen image for slides will be approximately 5" x 4."
- More than 8 lines of text may lose the audience's attention.

Suggested Color Combinations

- White or yellow on dark blue or black
- Orange on dark blue
- Dark blue or black on light gray
- No red, green, and multi-color backgrounds

Special Effects: Caution

- Keep animations short. Avoid overly flashy transitions between slides.
- Notify ALI CLE staff if any audio or video clips are embedded in the slides.

Sample Course Faculty Invitation (with discount for your contacts)

Dear Colleague:

As you may know, I am a featured speaker at the American Law Institute CLE (ALI CLE) annual course, **Clean Water Act: Law and Regulation**, being held **Monday-Tuesday, December 4-5, 2017**, in Washington, DC.

This year's agenda promises to be a strong one, and I invite you to join me at the program. The American Law Institute CLE has graciously extended my colleagues a discount of **50% off the regular tuition** for in-person attendance or for attendance at the live video simulcast. To take advantage of these savings, please register online at <http://www.ali-cle.org/CZ010> and enter the coupon code **ALIFACULTY** at checkout.

I hope to see you in D.C.

Sincerely,

Travel and Other Expenses

General:

Costs for travel and hotel functions have continued to rise since the bottom of the recession. Although we have increased tuitions, ALI CLE thus far has been able to continue to provide quality courses at fees that are competitive with those of other national CLE organizations. We have been able to do so primarily by imposing economies on phases of our operations that have minimal effect on the educational purposes and quality of our efforts, and by enlisting the cooperation of everyone involved, including our traveling faculty members. We ask that you read and follow the policies outlined below.

- ALI CLE will reimburse travel and lodging expenses of faculty who have been given preapproval.
- No reimbursement can be made for a spouse's or partner's expenses.

All faculty are reminded that ALI is a 501(c)(3) organization, so tax deductions may be available for travel expenses. ALI CLE is happy to provide faculty who forgo reimbursement with complimentary course registrations or other products that may be worth at least as much as their financial contribution.

If you will be submitting for reimbursement, please contact us for an expense reimbursement form. To process your expenses for reimbursement, the form must be submitted to me **within 60 days** after the program, accompanied by receipts for all items of \$25 or more. (Credit card statements will not be accepted.) Please note that if you host a group faculty meal, you will need to list on your receipt the names of those attending.

Thank you for your understanding of these policies, which help ALI CLE keep course expenses down so that we can continue to offer quality CLE at a competitive price.

Transportation:

Faculty should make their own transportation arrangements. Please note that ALI CLE will reimburse only:

- discounted, nonrefundable coach air fares
- non-Acela coach Amtrak fares
- taxi, UberX, and UberT fares (not limo, town car, UberBlack, UberSUV, or comparable services).

ALI CLE will not reimburse optional coach airfare upgrades or reimburse car rental costs (unless reasonable, necessary, *and* approved in advance). Please make your airline reservations as early as possible so as to secure the best available fare.

Hotel Arrangements:

We have reserved a limited number of rooms at two nearby hotels, **Hotel Lombardy and the Renaissance Washington, DC Dupont Circle Hotel**. If you choose to stay elsewhere, note that we will only reimburse up to the same rate as that offered in the room blocks at these hotels, or **\$179/night (single) at Hotel Lombardy and \$219/night (standard room) at the Renaissance Washington, DC Dupont Circle Hotel**.

To: Vinai Trichur[vtrichur@censeoconsulting.com]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; ct@indecon.com[ct@indecon.com]; Fine, Steven[fine.steven@epa.gov]; Shaw, Nena[Shaw.Nena@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Sachs, Robert[Sachs.Robert@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Bell, Matthew[Bell.Matthew@epa.gov]; ctrabucchi@indecon.com[ctrabucchi@indecon.com]; Showman, John[Showman.John@epa.gov]; Hitchens, Lynnann[hitchens.lynnann@epa.gov]; Aram Mazmanian[amazmanian@censeoconsulting.com]
From: Darwin, Henry
Sent: Fri 7/21/2017 9:44:17 PM
Subject: RE: Briefing for EO WG from Censeo and IEc

Thank you Vinai.

Henry

From: Vinai Trichur [mailto:vtrichur@censeoconsulting.com]
Sent: Friday, July 21, 2017 4:48 PM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; ct@indecon.com; Fine, Steven <fine.steven@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Sachs, Robert <Sachs.Robert@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Bell, Matthew <Bell.Matthew@epa.gov>; ctrabucchi@indecon.com; Showman, John <Showman.John@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Aram Mazmanian <amazmanian@censeoconsulting.com>
Subject: RE: Briefing for EO WG from Censeo and IEc

EPA team – it was a pleasure meeting you yesterday. Thank you again for making the time – thought we had a good discussion.

Henry, you had enquired after benchmarks for total number of mission support FTEs (vs. total agency headcount) – we looked through our files and have a few data points:

- **Agency 1** (Research, Education and Administration peer group): **23%** of agency headcount is mission-support personnel
- **Agency 2** (Economy & Infrastructure peer group, which is EPA's peer group): **20%**

● Agency 3 (Civilian, non-CFO Act agency): **12%**. This agency has outsourced nearly half of its contracting obligations (by \$ value), implying a potentially lower headcount

In comparison, EPA's mission support headcount is likely somewhere in the 15% - 25% range – on the lower end if we count only those FTEs we were able to confidently classify as having a mission support job function (the figures in the chart yesterday), and on the higher end if we include the ~1,200 employees who sit in mission support offices but whose specific job function we could not identify, plus any other FTEs with generic position titles who might actually be doing mission support work.

Hope this is helpful – while these high-level benchmarks provide useful directional insight, much more “peeling back of the onion” would be needed to identify management action items.

Please feel free to reach out to Aram, me, or Chiara should you have any further questions about the work, or wish to continue the discussion.

Thanks, and have a great weekend,

Vinai

Vinai Trichur
Principal
Censeo Consulting Group
vtrichur@censeoconsulting.com
Direct: 202.591.3385
Cell: 301.335.4163

Censeo helps mission-driven organizations rapidly improve management and operational practices in support of the social and public good.

-----Original Appointment-----

From: Kenny, Shannon [<mailto:Kenny.Shannon@epa.gov>]

Sent: Friday, July 07, 2017 4:03 PM

To: Kenny, Shannon; Robbins, Chris; Vizian, Donna; Bloom, David; Dravis, Samantha; ct@indecon.com; Fine, Steven; Shaw, Nena; Flynn, Mike; Darwin, Henry; Sachs, Robert; Vinai Trichur; Pirzadeh, Michelle; Greaves, Holly; Brown, Byron

Cc: Bell, Matthew; ctrabucchi@indecon.com; Showman, John; Hitchens, Lynnann

Subject: Briefing for EO WG from Censeo and IEc

When: Thursday, July 20, 2017 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN3530CFTB/DC-Ariel-Rios-AO

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: megan.berge@bakerbotts.com
Sent: Thur 6/22/2017 4:05:07 PM
Subject: RE: Question on Region 9 Voicemail Regarding Four Corners FIP

We appreciate your response, and look forward to hearing back from you at your earliest convenience.

Best,

Megan

Megan Heuberger Berge

Partner

BAKER BOTTS L.L.P.

The Warner | 1299 Pennsylvania Ave., NW | Washington, DC 20004

1.202.639.1308 (direct) | 1.202.256.0827 (cell)



From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Wednesday, June 21, 2017 8:08 PM
To: Berge, Megan
Cc: Bolen, Brittany; Gunasekara, Mandy
Subject: Re: Question on Region 9 Voicemail Regarding Four Corners FIP

We will look into this asap

Sent from my iPhone

On Jun 21, 2017, at 12:36 PM, "megan.berge@bakerbotts.com"
<megan.berge@bakerbotts.com> wrote:

Brittany, Samantha, Mandy –

My client, Arizona Public Service (APS), received a voicemail today from EPA Region 9 indicating that they plan to move forward on the Federal Implementation Plan covering the Four Corners Coal-Fired Power Plant, which was signed on January 13, 2017 and has not yet been published. The voicemail did not provide any additional information, and we are not clear on whether the voicemail means that EPA intends to publish the FIP or take other action.

I would appreciate the chance to touch base with you to understand EPA's plans for moving forward, and APS would at any time convenient for EPA welcome the opportunity to discuss the FIP.

I can be reached at 202-639-1308 and megan.berge@bakerbotts.com.

Best,

Megan

Megan Heuberger Berge

Partner

BAKER BOTTS L.L.P.

The Warner | 1299 Pennsylvania Ave., NW | Washington, DC 20004

1.202.639.1308 (direct) | 1.202.256.0827 (cell)



<Picture (Device Independent Bitmap) 1.jpg>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Burhop, Anna
Sent: Thur 7/27/2017 8:04:04 PM
Subject: RE: Thank You

Thanks, Sam! Hopefully I'll see you soon.

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Thursday, July 27, 2017 4:02 PM
To: Burhop, Anna <anna_burhop@americanchemistry.com>; aburhop@gmail.com
Subject: RE: Thank You

Congratulations, Anna! Great team over there!

From: Burhop, Anna [mailto:anna_burhop@americanchemistry.com]
Sent: Thursday, July 27, 2017 4:00 PM
To: Burhop, Anna <anna_burhop@americanchemistry.com>
Cc: aburhop@gmail.com
Subject: Thank You

As most of you know by now, today is my last day at ACC. I have accepted a position with Bracewell LLP's Policy Resolutions Group covering energy, environment, and natural resources policy. It has been a pleasure working with all of you, and I look forward to our paths crossing again in the future.

Starting on July 28, please contact Brendan Mascarenhas (Brendan_Mascarenhas@americanchemistry.com, 202.249.6423) or Mike Walls (mike_walls@americanchemistry.com, 202.249.6400) for ACC environment matters.

I will share my new contact information when I have it. In the meantime, you can always reach me at aburhop@gmail.com.

All the best,

Anna

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Concur
Sent: Tue 9/19/2017 2:46:36 PM
Subject: Trip Cancelled: K6VVTU

This itinerary was cancelled on 09/19/2017 10:46 AM by CAROLYN Rena INGE.
Your trip has been successfully cancelled.

There are no segments in your itinerary (record locator: CQ-CL8-EGOPD-3AG).
Created on: 09/12/2017 at 4:56 PM

Itinerary created on 09/12/2017 at 4:56 PM

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kathy Teich[kt@wanada.org]; Chris Hosford[chosford@wanada.org]
From: John O'Donnell
Sent: Mon 10/2/2017 7:47:08 PM
Subject: Invitation to be Keynote Speaker of 2018 Washington DC Auto Show, MobilityTalks International
[2017 09 29 Pruitt EPA.pdf](#)

Dear Samantha:

We were advised to bring you into the loop on contacting Administrator Pruitt regarding our invitation for him to be the 2018 Washington Auto Show federal keynote speaker. Please read the email below (or attached letter) for the details. If you have any questions, please feel free to contact me directly.

John O'Donnell

President & CEO

WANADA

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Washington, DC 20015

(202) 237-7200 office

(202) 669-8144 mobile

www.wanada.org

www.washingtonautoshow.com

"Proud member of ASNA (Auto Shows of North America)".

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addressee. Any unauthorized disclosure, reproduction, distribution or the taking of action in reliance on the contents of the information is prohibited. If you believe that you have received the message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

From: John ODonnell

Sent: Monday, October 02, 2017 11:05 AM

To: pruit.scott@epa.gov

Cc: kelly.albert@epa.gov; hale.michelle@epa.gov; jackson.ryan@epa.gov; Sharpe.Kristinn@epa.gov; hupp.millan@epa.gov; Chris Hosford; Kathy Teich

Subject: Invitation to be Keynote Speaker of 2018 Washington DC Auto Show, MobilityTalks International

Dear Administrator Pruitt:

On behalf of the 2018 Washington Auto Show, *MobilityTalks International*[®] and the Washington Area New Automobile Dealers Association, I'd like to invite you to be the **federal government keynote speaker** at the Washington Auto Show in January.

With your recent arrival in Washington, you may not be familiar with the show. For the last several years it has been the largest event held in the Walter E. Washington Convention Center and attracts a wide variety of media covering both public policy and the auto industry. In the past several high ranking government officials have used the show as a policy platform, including President Obama, Vice President Biden, the EPA Administrator, Secretary of the Department of Transportation, Secretary of the Department of Energy, Secretary of the Department of Labor and many other senior Washington officials.

We would be honored to have you as the Keynote Speaker on **Thursday, January 25**, which is Press Day at the show. We'd recommend either a breakfast or luncheon speech, but understand that you have a very challenging schedule, and are open to any time that meets your needs on that Thursday. Should you wish to attend on consumer days, the show dates are January 26 – February 4.

We can provide varying levels of access for the press depending on the needs of you and your

communications team.

I'd be happy to discuss this further with you or a member of your team, at your convenience.

The show offers a unique opportunity to speak to senior executives of the automakers, suppliers and engineers, as well as the press, from a location that is just a few minutes from your office. My team is very familiar with the needs of cabinet level officials and I'm confident we can meet any requirements you have. The timing of the show, at the beginning of the year, I believe is an excellent time for a major policy speech.

We'll contact your scheduler's office to see what next steps might be.

John O'Donnell

President & CEO

Washington Auto Show

Washington Area New Automobile Dealers Association

5301 Wisconsin Ave., NW

Suite 210

Washington, DC 20015

(202) 237-7200 office

(202) 669-8144 mobile

www.wanada.org

www.washingtonautoshow.com

"Proud member of ASNA (Auto Shows of North America)".

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To: Gunasekara, Mandy (EPW)[Mandy_Gunasekara@epw.senate.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Konkus, John[konkus.john@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Myron Ebell
Sent: Thur 9/7/2017 8:56:09 PM
Subject: It would be useful if one of you could

It would be useful if one (or more!) of you could come to Cooler Heads on Monday—12 noon at CEI. Thanks, Myron.

Myron Ebell

Director, Center for Energy and Environment

Competitive Enterprise Institute

1310 L Street, N. W., Seventh Floor

Washington, DC 20005, USA

Tel direct: (202) 331-2256

Tel mobile: (202) 320-6685

E-mail: Myron.Ebell@cei.org

Stop continental drift!

To: EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Wed 11/22/2017 1:51:08 PM
Subject: Travel Receipt for DRAVIS/SAMANTHA K Travel date 26Nov
Travel Receipt Communication Attachment - VPG436 - November 26 2017.PDF

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

To view your trip via Viewtrip, please click [here](#)

Printer Friendly

Total Amount: 994.10 USD

This ticket information applies to the following trip(s):

Delta Air Lines Flight 2209 from Washington DC to Atlanta GA on November 26
Delta Air Lines Flight 1905 from Atlanta GA to Orlando FL on November 26
Delta Air Lines Flight 1110 from Orlando FL to Atlanta GA on November 27
Delta Air Lines Flight 1757 from Atlanta GA to Grand Rapids MI on November 27
Delta Air Lines Flight 671 from Grand Rapids MI to Detroit MI on November 28
Delta Air Lines Flight 736 from Detroit MI to Washington DC on November 28

ElectronicTicket Number: 0067007470191-192

Invoice Number: 000185800

Ticket Amount: 959.80 USD

Form of Payment: CA*****8060

Service Fee Number: 8900719160900

Service Fee Amount: 34.30 USD

Form of Payment: CA*****8060

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA05ASF

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type
<u>11/26/2017</u>	DCA- ATL	DL 2209	Confirmed	07:00 AM/09:00 AM	Economy / L
<u>11/26/2017</u>	ATL- MCO	DL 1905	Confirmed	09:55 AM/11:25 AM	Economy / Y
<u>11/27/2017</u>	MCO- ATL	DL 1110	Confirmed	07:30 PM/09:04 PM	Economy / K
<u>11/27/2017</u>	ATL- GRR	DL 1757	Confirmed	09:55 PM/11:55 PM	Economy / K
<u>11/27/2017</u>	GRR	Jw Marriott Grand Rapids	Confirmed	11/27-11/28	
<u>11/28/2017</u>	GRR- DTW	DL 671	Confirmed	05:42 PM/06:52 PM	Economy / Q
<u>11/28/2017</u>	DTW- DCA	DL 736	Confirmed	07:58 PM/09:45 PM	

[Add to Calendar](#) [Need Help?](#)

Delta Air Lines Flight DL2209 Economy

[Online check-in](#)

Depart: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
07:00 AM Sunday, November 26 2017

Arrive: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
09:00 AM Sunday, November 26 2017

[Weather](#)

[Weather](#)

Duration:
Status: Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment: Airbus Industrie A320
Seat: 13D (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs

Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

Delta Air Lines Flight DL1905 Economy

[Online check-in](#)

Depart: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
09:55 AM Sunday, November 26 2017

Arrive: Orlando International Airport
Orlando, Florida, United States
11:25 AM Sunday, November 26 2017

Duration: 1 hour(s) and 30 minute(s) Non-stop
Total duration: **4 hour(s) and 25 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment: Airbus Industrie A321
Seat: 20C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs

[Add to Calendar](#) [Need Help?](#)

Delta Air Lines Flight DL1110 Economy

[Online check-in](#)

Depart: Orlando International Airport
Orlando, Florida, United States
07:30 PM Monday, November 27 2017

Arrive: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States
09:04 PM Monday, November 27 2017

Duration: 1 hour(s) and 34 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment: Airbus Industrie A321
Seat: 19D (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs

Delta Air Lines Flight DL1757 Economy

Depart: Hartsfield-Jackson ATL, S - Terminal South [Weather](#)
Atlanta, Georgia, United States
~~09:55 PM Monday, November 27, 2017~~
Arrive: Grand Rapids, Michigan, United States [Weather](#)
11:55 PM Monday, November 27 2017

Duration: 2 hour(s) and 0 minute(s) Non-stop
Total duration: **4 hour(s) and 25 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment: Boeing (Douglas) MD-90
Seat: 17C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 641 miles / 1031.369 kilometers
CO2 Emissions: 282.04 lbs/128.2 kgs

[Add to Calendar](#) [Need Help?](#)

Jw Marriott Grand Rapids

Address: 235 Louis Street NW
Grand Rapids, MI 49503
United States

Tel: +1 (616) 242-1500
Fax: +1 (616) 242-1550

Check In/Check Out: Monday, November 27 2017 - Tuesday, November 28 2017
Status: Confirmed
Number of Persons: 1
Number of Rooms: 1
Number of Nights: 1
Rate per night: USD 109.00 plus tax and any additional fees
Guaranteed: Yes
Confirmation: 86327937
Corp. Discount: XXXXV
CO2 Emissions: Per night is approximately 63.8 lbs/29 kgs
Additional Information: NON SMOKE KING
Remarks: CANCEL 2 DAYS PRIOR TO ARRIVAL
HOTEL PER DIEM - \$109.00
CREDIT CARD REQUIRED AT CHECK IN

[Add to Calendar](#) [Need Help?](#)

Delta Air Lines Flight DL671 Economy

[Online check-in](#)

Depart: Gerald R. Ford International Airport [Weather](#)
Grand Rapids, Michigan, United States
05:42 PM Tuesday, November 28 2017

Arrive: Wayne County, EM - E.M. McNamara Terminal [Weather](#)
Detroit, Michigan, United States
06:52 PM Tuesday, November 28 2017

Duration: 1 hour(s) and 10 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment: Boeing (Douglas) MD-88
Seat: 29D (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 120 miles / 193.08 kilometers
CO2 Emissions: 66 lbs/30 kgs

Delta Air Lines Flight DL736 Economy

[Online check-in](#)

Depart: Wayne County, EM - E.M. McNamara Terminal
Detroit, Michigan, United States
07:58 PM Tuesday, November 28 2017
Arrive: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
09:45 PM Tuesday, November 28 2017
Duration: 1 hour(s) and 47 minute(s) Non-stop
Total duration: **4 hour(s) and 3 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment: Airbus Industrie A319
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

[Weather](#)

[Weather](#)

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL
DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/PPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

CHECK-IN TIMES ARE 90 MINUTES PRIOR TO DEPARTURE
FOR DOMESTIC FLIGHTS OR 120 MINUTES FOR INTERNATIONAL
ELECTRONIC TICKET/S/ WILL BE ISSUED FOR THIS TRIP
CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL
DESTINATION. FOR THE LATEST INFORMATION PLEASE CHECK
WITH YOUR TRAVEL CONSULTANT OR THE AIRLINES WEBSITE.

22Nov/07:50AM

Air			Rail	
Car			Other	
959.80 USD			125.35 USD	

Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL2209 26Nov DL1905 26Nov DL1110 27Nov DL1757 27Nov DL671 28Nov DL736 28Nov	Total: USD 959.80	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.				

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 22Nov/1:50 PM UTC

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TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

To view your trip via Viewtrip, please click [here](#)

Printer Friendly

Ticket Receipt

Total Amount: 994.10 USD

This ticket information applies to the following trip(s):

Delta Air Lines Flight 2209 from Washington DC to Atlanta GA on November 26
Delta Air Lines Flight 1905 from Atlanta GA to Orlando FL on November 26
Delta Air Lines Flight 1110 from Orlando FL to Atlanta GA on November 27
Delta Air Lines Flight 1757 from Atlanta GA to Grand Rapids MI on November 27
Delta Air Lines Flight 671 from Grand Rapids MI to Detroit MI on November 28
Delta Air Lines Flight 736 from Detroit MI to Washington DC on November 28

ElectronicTicket Number: 0067007470191-192

Invoice Number: 000185800

Ticket Amount: 959.80 USD

Form of Payment: CA*****8060

Service Fee Number: 8900719160900

Service Fee Amount: 34.30 USD

Form of Payment: CA*****8060

Travel Summary – Agency Record Locator VPG436

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA05ASF

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type
11/26/2017	DCA-ATL	DL 2209	Confirmed	07:00 AM/09:00 AM	Economy / L
11/26/2017	ATL-MCO	DL 1905	Confirmed	09:55 AM/11:25 AM	Economy / Y
11/27/2017	MCO-ATL	DL 1110	Confirmed	07:30PM/09:04PM	Economy / K
11/27/2017	ATL-GRR	DL 1757	Confirmed	09:55PM/11:55PM	Economy / K
11/27/2017	GRR	Jw Marriott Grand Rapids	Confirmed	11/27-11/28	
11/28/2017	GRR-DTW	DL 671	Confirmed	05:42PM/06:52PM	Economy / Q
11/28/2017	DTW-DCA	DL 736	Confirmed	07:58PM/09:45PM	Economy / Q

AIR - Sunday, November 26 2017 - Agency Record Locator VPG436[Add to Calendar](#) [Need Help?](#)**Delta Air Lines Flight DL2209 Economy**[Online check-in](#)

Depart:	Ronald Reagan National, Terminal B Washington, District of Columbia, United States 07:00 AM Sunday, November 26 2017
Arrive:	Hartsfield-Jackson ATL, S - Terminal South Atlanta, Georgia, United States 09:00 AM Sunday, November 26 2017
Duration:	2 hour(s) and 0 minute(s) Non-stop
Status:	Confirmed - Delta Air Lines Record Locator:GSBBZQ
Equipment:	Airbus Industrie A320
Seat:	13D (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	546 miles / 878.514 kilometers
CO2 Emissions:	240.24 lbs/109.2 kgs
Remarks:	FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY. PLEASE CHECK WWW.DELTA.COM

AIR - Sunday, November 26 2017 - Agency Record Locator VPG436**Delta Air Lines Flight DL1905 Economy**[Online check-in](#)

Depart:	Hartsfield-Jackson ATL, S - Terminal South Atlanta, Georgia, United States 09:55 AM Sunday, November 26 2017
Arrive:	Orlando International Airport Orlando, Florida, United States 11:25 AM Sunday, November 26 2017
Duration:	1 hour(s) and 30 minute(s) Non-stop
Total duration:	4 hour(s) and 25 minute(s) including layover(s)
Status:	Confirmed - Delta Air Lines Record Locator:GSBBZQ
Equipment:	Airbus Industrie A321
Seat:	20C (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	404 miles / 650.036 kilometers
CO2 Emissions:	177.76 lbs/80.8 kgs

AIR - Monday, November 27 2017 - Agency Record Locator VPG436[Add to Calendar](#) [Need Help?](#)**Delta Air Lines Flight DL1110 Economy**[Online check-in](#)

Depart:	Orlando International Airport Orlando, Florida, United States 07:30 PM Monday, November 27 2017
Arrive:	Hartsfield-Jackson ATL, S - Terminal South Atlanta, Georgia, United States 09:04 PM Monday, November 27 2017
Duration:	1 hour(s) and 34 minute(s) Non-stop
Status:	Confirmed - Delta Air Lines Record Locator:GSBBZQ
Equipment:	Airbus Industrie A321
Seat:	19D (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	404 miles / 650.036 kilometers
CO2 Emissions:	177.76 lbs/80.8 kgs

AIR - Monday, November 27 2017 - Agency Record Locator VPG436**Delta Air Lines Flight DL1757 Economy**[Online check-in](#)

Depart:	Hartsfield-Jackson ATL, S - Terminal South Atlanta, Georgia, United States 09:55 PM Monday, November 27 2017
Arrive:	Gerald R. Ford International Airport Grand Rapids, Michigan, United States 11:55 PM Monday, November 27 2017
Duration:	2 hour(s) and 0 minute(s) Non-stop
Total duration:	4 hour(s) and 25 minute(s) including layover(s)
Status:	Confirmed - Delta Air Lines Record Locator:GSBBZQ
Equipment:	Boeing (Douglas) MD-90
Seat:	17C (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	641 miles / 1031.369 kilometers
CO2 Emissions:	282.04 lbs/128.2 kgs

HOTEL - Monday, November 27 2017[Add to Calendar](#) [Need Help?](#)**Jw Marriott Grand Rapids**

Address:	<u>235 Louis Street NW</u> <u>Grand Rapids, MI 49503</u> <u>United States</u>
Tel:	+1 (616) 242-1500
Fax:	+1 (616) 242-1550
Check In/Check Out:	Monday, November 27 2017 - Tuesday, November 28 2017
Status:	Confirmed
Number of Persons:	1
Number of Rooms:	1
Number of Nights:	1
Rate per night:	USD 109.00 plus tax and any additional fees
Guaranteed:	Yes
Confirmation:	86327937
Corp. Discount:	XXXXV
CO2 Emissions:	Per night is approximately 63.8 lbs/29 kgs
Additional Information:	NONSMOKEKING
Remarks:	CANCEL2 DAYS PRIOR TO ARRIVAL HOTEL PER DIEM- \$109.00 CREDIT CARD REQUIRED AT CHECK IN

AIR - Tuesday, November 28 2017 - Agency Record Locator VPG436[Add to Calendar](#) [Need Help?](#)**Delta Air Lines Flight DL671 Economy**[Online check-in](#)

Depart:	Gerald R. Ford International Airport Grand Rapids, Michigan, United States 05:42 PM Tuesday, November 28 2017
Arrive:	Wayne County, EM - E.M. McNamara Terminal Detroit, Michigan, United States 06:52 PM Tuesday, November 28 2017
Duration:	1 hour(s) and 10 minute(s) Non-stop
Status:	Confirmed - Delta Air Lines Record Locator:GSBBZQ
Equipment:	Boeing (Douglas) MD-88
Seat:	29D (Non smoking, Aisle) Confirmed
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	120 miles / 193.08 kilometers
CO2 Emissions:	66 lbs/30 kgs

AIR - Tuesday, November 28 2017 - Agency Record Locator VPG436**Delta Air Lines Flight DL736 Economy****Online check-in**

Depart:	Wayne County, EM - E.M.McNamara Terminal Detroit, Michigan, United States 07:58 PM Tuesday, November 28 2017
Arrive:	Ronald Reagan National, Terminal B Washington, District of Columbia, United States 09:45 PM Tuesday, November 28 2017
Duration:	1 hour(s) and 47 minute(s) Non-stop
Total duration:	4 hour(s) and 3 minute(s) including layover(s)
Status:	Confirmed - Delta Air Lines Record Locator: GSBBZQ
Equipment:	Airbus Industrie A319
Seat:	Assigned at Check-in
FF Number:	XXXX016971 - DRAVIS/SAMANTHA K
Distance:	404 miles / 650.036 kilometers
CO2 Emissions:	177.76 lbs/80.8 kgs

Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED PLEASE DIAL 711
TO ACCESS RELAY SERVICE PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL
DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPY OUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINE IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS OR MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

CHECK-IN TIMES ARE 90 MINUTES PRIOR TO DEPARTURE
FOR DOMESTIC FLIGHTS OR 120 MINUTES FOR INTERNATIONAL
ELECTRONIC TICKETS WILL BE ISSUED FOR THIS TRIP
CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL
DESTINATION FOR THE LATEST INFORMATION PLEASE CHECK
WITH YOUR TRAVEL CONSULTANT OR THE AIRLINE'S WEBSITE.

22Nov/07:50AM

Estimated trip total				1,085.15 USD
Air	Car	Hotel	Rail	Other
959.80 USD		125.35 USD		
Fare details: Ticketed				
Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air DL2209 26Nov DL1905 26Nov DL111027Nov DL1757 27Nov DL671 28Nov DL736 28Nov	Total: USD 959.80	REFUNDRESTRICTIONS MAY APPLY	CHANGERESTRICTIONS MAY APPLY	
All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.				

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gas, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. Your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 22Nov/1:50 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Timothy Spellman
Sent: Tue 11/14/2017 8:22:10 PM
Subject: Help Protect Refiners Jobs In Reference to Docket ID No. EPA-HQ- OAR-2017-0091

Samantha Dravis,

The time is now to help prevent a massive loss of good-paying American jobs. The EPA currently implements the Renewable Fuel Standard in a way that makes all U.S. refiners responsible for ensuring that certain levels of renewable fuels are blended into gasoline, even if they do not have capabilities to do such blending.

This nonsensical set-up allows large integrated oil companies that blend more fuel than they refine and big convenience store gasoline chains (who do much of the blending) to collect valuable credits for the renewable fuel they blend into the pure gasoline they get from refineries. Independent refiners, who do little or no blending themselves, then end up purchasing those credits in order to demonstrate compliance with a process they have little control over. Small and independent refiners are at risk of going offline due to this backwards regulation, with 75,000-150,000 U.S. workers potentially impacted.

Please, help save our jobs and make this right. Please move the point of obligation for the RFS (Docket ID No. EPA-HQ- OAR-2017-0091) in a way that fixes this inequity.

Thank you.

Timothy Spellman
57 Arnold Drive
Augusta, KS 67010

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov];
Personal Email/Ex. 6
From: Concur Travel
Sent: Tue 10/24/2017 2:26:48 PM
Subject: Concur Itinerary 10/26/2017: TRIP FROM WASHINGTON TO NEW ORLEANS (XKRRJ6)
[DCA-MSY.ics](#)
[MSY-DCA.ics](#)
[Le Meridien New Orleans.vcf](#)

Trip Overview

Trip Name: Trip from Washington to New Orleans
Start Date: October 26, 2017
End Date: October 27, 2017
Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)
Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.
Agency Record Locator: XKRRJ6
Passengers: Samantha K Dravis
Total Estimated Cost: **\$1,051.19 USD**
Important: Reservations must be approved and ticketed no later than: 10/21/2017 5:59 PM Eastern
The trip will be automatically cancelled if it is not approved before the deadline.
Agency Name: BCD_EPA

Reservations

Thursday, October 26, 2017



Flight Washington, DC (DCA) to Atlanta, GA (ATL)

Delta 151

Departure: 03:00 PM
Seat: 19B (Confirmed)
Ronald Reagan National Arpt
(DCA)
Arrival: 04:57 PM
Hartsfield Intl Arpt (ATL)

Confirmation: HCVUWD
Status: **Confirmed**
Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 546 miles
Emissions: 234.8 lbs CO₂
Cabin: Economy (Y)

Remarks

FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM



52 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to New Orleans, LA (MSY)

Delta 811

Departure: 05:49 PM

Seat: No seat assignment

Hartsfield Intl Arpt (ATL)

Arrival: 06:24 PM

Louis Armstrong Intl Arpt (MSY)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 424 miles

Emissions: 182.3 lbs CO₂

Cabin: Economy (Q)



Avis Car Rental at: New Orleans US (MSY)

Pick-up at: New Orleans US (MSY)

Pick Up: 06:24 PM Thu Oct 26

Pick-up at: New Orleans US (MSY)

Number of Cars: 1

Return: 05:55 PM Fri Oct 27

Returning to: New Orleans US (MSY)

Confirmation: 47425905US2

Status: **Confirmed**

Associated Airline FF Number: C25143

Rate Code: KX

Additional Details

Rate: **\$63.00 USD** daily rate, unlimited miles; **\$47.26 USD** extra hourly rate, unlimited miles

Total Rate: **\$96.59 USD**

Corporate Discount: A555021

Rental Details

Compact / Car / Automatic transmission / Air conditioning



Le Meridien New Orleans

333 Poydras St

New Orleans, Louisiana, 70130

Checking In: Thu Oct 26
Room 1, Days 1, Guests 1
Checking Out: Fri Oct 27

Confirmation: 492269465
Status: **Confirmed**

Additional Information

Daily Rate: \$142.00 USD

Total Rate: \$142.00 USD

Room Details



Room Description: RoomDescriptionCodeB2QXVU

Friday, October 27, 2017



Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)

Delta 1277

Departure: 05:55 PM
Seat: No seat assignment
Louis Armstrong Intl Arpt
(MSY)
Arrival: 08:22 PM
Hartsfield Intl Arpt (ATL)

Confirmation: HCVUWD
Status: **Confirmed**
Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 424 miles
Emissions: 182.3 lbs CO₂
Cabin: Economy (K)



1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)

Delta 2612

Departure: 10:05 PM
Seat: No seat assignment
Hartsfield Intl Arpt (ATL)
Arrival: 11:46 PM
Ronald Reagan National Arpt
(DCA)

Confirmation: HCVUWD
Status: **Confirmed**
Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 546 miles

Emissions: 234.8 lbs CO₂

Cabin: Economy (K)



Total Estimated Cost

Air

Airfare quoted amount: \$713.49 USD

Taxes and fees: \$99.11 USD

Air Total Price: \$812.60 USD

Hotel: \$142.00 USD

Car: \$96.59 USD

Total Estimated Cost: \$1,051.19 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

**Flight# DL151 from DCA -> ATL
(1 hour and 57 mins.) Layover of 52 mins. Flight# 811
from ATL -> MSY
(1 hour and 35 mins.)**

20171026T190000Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20171026T190000Z

End Date/Time

20171026T232400Z

DTSTAMP

20171026T190000Z

Location

Summary

Flight# DL151 from DCA -> ATL
(1 hour and 57 mins.) Layover of 52 mins. Flight# 811 from ATL -> MSY
(1 hour and 35 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.

Agency Record Locator: XKRRJ6

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 1,051.19 USD

Important: Reservations must be approved and ticketed no later than: 10/21/2017 5:59 PM Eastern

The trip will be automatically canceled if it is not approved before the deadline.

Agency Name: BCD\_EPA

**Reservations**

~~~~~ \nThursday, October 26, 2017

Flight Washington, DC (DCA) to Atlanta, GA (ATL)
.....

Delta 151

Departure: 03:00 PM
Seat: 19B (Confirmed)
Ronald Reagan National Arpt (DCA)
Arrival: 04:57 PM
Hartsfield Intl Arpt (ATL)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO₂
Cabin: Economy (Y)
Remarks

FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

\n52 min layover at Hartsfield Intl Arpt (ATL)

\nFlight Atlanta, GA (ATL) to New Orleans, LA (MSY) \n`.....`

Delta 811

Departure: 05:49 PM
Seat: No seat assignment
Hartsfield Intl Arpt (ATL)
Arrival: 06:24 PM
Louis Armstrong Intl Arpt (MSY)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 424 miles \nEmissions: 182.3 lbs CO₂
Cabin: Economy (Q)

Avis Car Rental at: New Orleans US (MSY)
.....

Pick-up at: New Orleans US (MSY)

Pick Up: 06:24 PM Thu Oct 26
Pick-up at: New Orleans US (MSY) \nNumber of Cars: 1
Return: 05:55 PM Fri Oct 27 \nReturning to: New Orleans US (MSY)
Confirmation: 47425905US2
Status: Confirmed
Associated Airline FF Number: C25143
Rate Code: KX
Rate: \$ 63.00 USD daily rate, unlimited miles; \$ 47.26 USD extra hourly rate, unlimited miles
Total Rate: \$ 96.59 USD
Corporate Discount: A555021
Compact / Car / Automatic transmission / Air conditioning \n
Le Meridien New Orleans
.....

333 Poydras St
New Orleans, Louisiana, 70130
US
504-525-9444

Checking In: Thu Oct 26 \nRoom 1, Days 1, Guests 1
Checking Out: Fri Oct 27
Confirmation: 492269465
Status: Confirmed
Daily Rate: \$ 142.00 USD
Total Rate: \$ 142.00 USD
Room Details
Room Description: Room DescriptionCodeB2QXVU

Friday, October 27, 2017

Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)
.....

Delta 1277
\nDeparture: 05:55 PM
Seat: No seat assignment
Louis Armstrong Intl Arpt (MSY)
Arrival: 08:22 PM \nHartsfield Intl Arpt (ATL)
Confirmation: HCVUWD \nStatus: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 424 miles
Emissions: 182.3 lbs CO₂
Cabin: Economy (K)

1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)
.....

\nDelta 2612

Departure: 10:05 PM
Seat: No seat assignment
Hartsfield Intl Arpt (ATL)
Arrival: 11:46 PM
Ronald Reagan National Arpt (DCA)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles \nEmissions: 234.8 lbs CO₂
Cabin: Economy (K)

Total Estimated Cost

~~~~~

Air  
Airfare quoted amount: \$ 713.49 USD  
Taxes and fees: \$ 99.11 USD  
Air Total Price: \$ 812.60 USD  
Hotel: \$ 142.00 USD

Car: \$ 96.59 USD  
Total Estimated Cost: \$ 1,051.19 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

~~~~~

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964- 1346
FOR OUTSIDE THE US CALL COLLECT 770-829-260 9
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1 -866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
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48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING. \nTHIS 48 HOUR
CANCELLATION RULE DOES NOT APPLY TO \nINTERNATIONAL RESERVATIONS UNLESS YOUR
TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

UID

XKRRJ6-2017-10-26T19:00:00.000Z-2017-10-26T23:24:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight DCA -> MSY

Le Meridien New Orleans

333 Poydras St,;New Orleans;Louisiana;70130;US

504-525-9444 (Work Voice)

504-581-7179 (Work Fax)

Version

2.1

Organization

Le Meridien New Orleans

Telephone Number (Work Voice)

504-525-9444

Telephone Number (Work Fax)

504-581-7179

Address (Work)

P.O. Address:

Extended Address:

Street: 333 Poydras St,

Locality: New Orleans

Region: Louisiana

Postal Code: 70130

Country: US

Delivery Label (Work)

333 Poydras St,;New Orleans;Louisiana;70130;US

Comment

Checkin Time: 15:00

Checkout Time: 12:00

Directions to Hotel:

Direction To The Property From East - Take I-10 To Canal Street/superdome Exit. Turn Right On Canal. .go 10 Blocks..turn Right On Tchoupitoulas Street..go 2 Blocks . Left On Poydras Street..go 1 Block. Left On South Peter.. Hotel On Corner. Direction To The Property From West - Take I-10 To The Poydras Street/superdome Exit. Go Straight On Poydras For Approximately 12 Blocks. Hotel Is On The Left At The Corner Of South Peters And Poydras Street.

Last Revision

10/24/2017 10:26:48 AM

Flight# DL1277 from MSY -> ATL
(1 hour and 27 m ins.) Layover of 1 hour and 43 mins.
Flight# 261 2 from ATL -> DCA
(1 hour and 41 mins.)

20171027T225500Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20171027T225500Z

End Date/Time

20171028T034600Z

DTSTAMP

20171027T225500Z

Location

Summary

Flight# DL1277 from MSY -> ATL
(1 hour and 27 m ins.) Layover of 1 hour and 43 mins. Flight# 261 2 from ATL -> DCA
(1 hour and 41 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.

Agency Record Locator: XKRRJ6

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 1,051.19 USD

Important: Reservations must be approved and ticketed no later than: 10/21/2017 5:59 PM Eastern

The trip will be automatically canceled if it is not approved before the deadline.

Agency Name: BCD\_EPA

**Reservations**

~~~~~ \nThursday, October 26, 2017

Flight Washington, DC (DCA) to Atlanta, GA (ATL)
.....

Delta 151

Departure: 03:00 PM

Seat: 19B (Confirmed)

Ronald Reagan National Arpt (DCA)

Arrival: 04:57 PM

Hartsfield Intl Arpt (ATL)

Confirmation: HCVUWD

Status: Confirmed

Air Frequent Flyer Number: DL-6982016971

Distance: 546 miles

Emissions: 234.8 lbs CO₂

Cabin: Economy (Y)

Remarks

FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.

PLEASE CHECK WWW.DELTA.COM

\n52 min layover at Hartsfield Intl Arpt (ATL)

\nFlight Atlanta, GA (ATL) to New Orleans, LA (MSY) \n`.....`

Delta 811

Departure: 05:49 PM

Seat: No seat assignment

Hartsfield Intl Arpt (ATL)

Arrival: 06:24 PM

Louis Armstrong Intl Arpt (MSY)

Confirmation: HCVUWD

Status: Confirmed

Air Frequent Flyer Number: DL-6982016971

Distance: 424 miles \nEmissions: 182.3 lbs CO₂

Cabin: Economy (Q)

Avis Car Rental at: New Orleans US (MSY)
.....

Pick-up at: New Orleans US (MSY)

Pick Up: 06:24 PM Thu Oct 26

Pick-up at: New Orleans US (MSY) \nNumber of Cars: 1

Return: 05:55 PM Fri Oct 27 \nReturning to: New Orleans US (MSY)

Confirmation: 47425905US2

Status: Confirmed

Associated Airline FF Number: C25143

Rate Code: KX

Rate: \$ 63.00 USD daily rate, unlimited miles; \$ 47.26 USD extra hourly rate, unlimited miles

Total Rate: \$ 96.59 USD

Corporate Discount: A555021

Compact / Car / Automatic transmission / Air conditioning \n

Le Meridien New Orleans
.....

333 Poydras St
New Orleans, Louisiana, 70130
US
504-525-9444

Checking In: Thu Oct 26 \nRoom 1, Days 1, Guests 1
Checking Out: Fri Oct 27
Confirmation: 492269465
Status: Confirmed
Daily Rate: \$ 142.00 USD
Total Rate: \$ 142.00 USD
Room Details
Room Description: Room DescriptionCodeB2QXVU

Friday, October 27, 2017

Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)
.....

Delta 1277
\nDeparture: 05:55 PM
Seat: No seat assignment
Louis Armstrong Intl Arpt (MSY)
Arrival: 08:22 PM \nHartsfield Intl Arpt (ATL)
Confirmation: HCVUWD \nStatus: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 424 miles
Emissions: 182.3 lbs CO₂
Cabin: Economy (K)

1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)
.....

\nDelta 2612

Departure: 10:05 PM
Seat: No seat assignment
Hartsfield Intl Arpt (ATL)
Arrival: 11:46 PM
Ronald Reagan National Arpt (DCA)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles \nEmissions: 234.8 lbs CO₂
Cabin: Economy (K)

Total Estimated Cost

~~~~~

Air  
Airfare quoted amount: \$ 713.49 USD  
Taxes and fees: \$ 99.11 USD  
Air Total Price: \$ 812.60 USD  
Hotel: \$ 142.00 USD

Car: \$ 96.59 USD  
Total Estimated Cost: \$ 1,051.19 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

~~~~~

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TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1 -866-964-1346 TO ACCESS TRAVEL

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THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING. \nTHIS 48 HOUR
CANCELLATION RULE DOES NOT APPLY TO \nINTERNATIONAL RESERVATIONS UNLESS YOUR
TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

UID

XKRRJ6-2017-10-27T22:55:00.000Z-2017-10-28T03:46:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight MSY -> DCA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: American Law Institute CLE
Sent: Sun 10/15/2017 11:22:25 PM
Subject: Upcoming Webcasts from ALI CLE | October 17 - November 3

Please add ALICLE@learn.ali-cle.org to your address book. Thank you.
If you are having trouble reading this email, [read the online version](#).

UPCOMING WEBCASTS

Take a look at ALI CLE's upcoming audio and video webcasts. From latest developments to ethics to skills courses, we have a variety of programs to choose from. Find the one that best fits your needs!

| | |
|--|--------------|
| <u>Marijuana in the Workplace: A Look at Current Legal Issues and What's on the Horizon</u> | October 17 |
| <u>If It's Tuesday, This Must Be Omaha: The Ethics of Multi-Jurisdictional Practice</u> | October 19 |
| <u>Maximizing Social Security Benefits: Inside the Black Box</u> | October 20 |
| <u>Drafting LLC Operating Agreements: Address Key Provisions and Overcome Issues</u> | October 23 |
| <u>ERISA Litigation Update</u> | October 24 |
| <u>Managing Others in Legal Practice: Best Habits for Delegating, Supervising, and Motivating</u> | October 26 |
| <u>E-Discovery and Text Messages: The Technical and Legal Side of Preservation and Collection</u> | October 30 |
| <u>Paying Partners: Best Practices for Allocating Compensation</u> | October 31 |
| <u>Attorney-Client Privilege: Key Aspects All Lawyers Should Know</u> | November 1 |
| <u>Life Insurance Company Products: Featuring Current SEC, FINRA, Insurance, Tax, and ERISA Regulatory and Compliance Issues</u> | November 1-3 |

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Tue 7/11/2017 3:43:24 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

Your Vch VCH143856-1 was just stamped AUTHORIZED by
REEDER, JOHN EDWARD.

You can access ConcurGov at: <https://cge.concursolutions.com>

□

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: americanairlines@aa.com
Sent: Thur 9/28/2017 3:07:29 PM
Subject: American Airlines mobile boarding pass

Retrieve your boarding pass:

<https://www.aa.com/checkin/viewMobileBoardingPass?firstName=SAMANTHA%20K&lastName=DRAVIS&recordLocator=XQCZYY&selectedIds=01.01>

For iPhone, add your mobile boarding pass to Apple Wallet.

For Android, take a screenshot of your boarding pass to make it easy to retrieve.

We look forward to seeing you on board.

To: Kenny, Shannon[Kenny.Shannon@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; ct@indecon.com[ct@indecon.com]; Fine, Steven[fine.steven@epa.gov]; Shaw, Nena[Shaw.Nena@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Sachs, Robert[Sachs.Robert@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Bell, Matthew[Bell.Matthew@epa.gov]; ctribucchi@indecon.com[ctribucchi@indecon.com]; Showman, John[Showman.John@epa.gov]; Hitchens, Lynnann[hitchens.lynnann@epa.gov]; Aram Mazmanian[amazmanian@censeoconsulting.com]
From: Vinai Trichur
Sent: Fri 7/21/2017 8:47:48 PM
Subject: RE: Briefing for EO WG from Censeo and IEc

EPA team – it was a pleasure meeting you yesterday. Thank you again for making the time – thought we had a good discussion.

Henry, you had enquired after benchmarks for total number of mission support FTEs (vs. total agency headcount) – we looked through our files and have a few data points:

- **Agency 1** (Research, Education and Administration peer group): **23%** of agency headcount is mission-support personnel
- **Agency 2** (Economy & Infrastructure peer group, which is EPA's peer group): **20%**
- **Agency 3** (Civilian, non-CFO Act agency): **12%**. This agency has outsourced nearly half of its contracting obligations (by \$ value), implying a potentially lower headcount

In comparison, EPA's mission support headcount is likely somewhere in the 15% - 25% range – on the lower end if we count only those FTEs we were able to confidently classify as having a mission support job function (the figures in the chart yesterday), and on the higher end if we include the ~1,200 employees who sit in mission support offices but whose specific job function we could not identify, plus any other FTEs with generic position titles who might actually be doing mission support work.

Hope this is helpful – while these high-level benchmarks provide useful directional insight, much more “peeling back of the onion” would be needed to identify management action items.

Please feel free to reach out to Aram, me, or Chiara should you have any further questions about the work, or wish to continue the discussion.

Thanks, and have a great weekend,
Vinai

Vinai Trichur
Principal
Censeo Consulting Group
vtrichur@censeoconsulting.com
Direct: 202.591.3385
Cell: 301.335.4163

Censeo helps mission-driven organizations rapidly improve management and operational practices in support of the social and public good.

-----Original Appointment-----

From: Kenny, Shannon [<mailto:Kenny.Shannon@epa.gov>]

Sent: Friday, July 07, 2017 4:03 PM

To: Kenny, Shannon; Robbins, Chris; Vizian, Donna; Bloom, David; Dravis, Samantha; ct@indecon.com; Fine, Steven; Shaw, Nena; Flynn, Mike; Darwin, Henry; Sachs, Robert; Vinai Trichur; Pirzadeh, Michelle; Greaves, Holly; Brown, Byron

Cc: Bell, Matthew; ctribucchi@indecon.com; Showman, John; Hitchens, Lynnann

Subject: Briefing for EO WG from Censeo and IEC

When: Thursday, July 20, 2017 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomARN3530CFTB/DC-Ariel-Rios-AO

To: Robert Faturechi[Robert.Faturechi@propublica.org]
Cc: Danielle Ivory[Danielle.Ivory@NYTimes.com]
From: Bowman, Liz
Sent: Thur 6/22/2017 2:29:03 PM
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Robert – I just sent you confirmation from our ethics counsel, to confirm the information is correct and accurate.

With regard to Samantha's schedule...I don't know who all the RAGA and Freedom Partners funders are, so if you send me a list, I will compare that with Samantha's calendar and then let you know, which, if any, of those she has met with.

Thanks again – Liz

From: Bowman, Liz
Sent: Wednesday, June 21, 2017 10:21 PM
To: Robert Faturechi <Robert.Faturechi@propublica.org>
Cc: Danielle Ivory <Danielle.Ivory@NYTimes.com>
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

As discussed, if you will only use this information if I say that you can attribute it directly to me, than ok. It is important that your readers have all the facts. I ask that you use it in full and don't splice it or take it out of context and that you use the full "on the record quote" from my email. I emailed our ethics counsel, but she is probably asleep (or at least hopefully not working this late), to ask that she is okay with you using the information from her attributed to "EPA ethics counsel." I will let you know when I hear back from her. Thanks - Liz

Sent from my iPhone

On Jun 21, 2017, at 9:08 PM, Robert Faturechi <Robert.Faturechi@propublica.org> wrote:

Thanks Liz. As I mentioned in the initial email, we are treating anything you send to us in response to our questions as on the record, unless both sides agreed beforehand to go on background. As a courtesy, we will leave what you wrote under the header "On background" below as on background, but unless you agree to put it on the record, we can't use it and have to say you declined to comment about whether Ms. Dravis has met with her former employers or their funders, and whether Mr. Brown has recused himself. Can you

put that all on the record? Also, can you address whether Ms. Dravis has met with the *funders* of her previous employers? If you can't put that on the record, providing us with documents that reflect those assertions (i.e. Ms. Dravis' calendars, or Mr. Brown's recusal letter) could be usable too.

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]

Sent: Tuesday, June 20, 2017 7:04 PM

To: Robert Faturechi

Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Off the record: We have sought to be transparent with you in this article are under the impression that you are only going to print accurate, factual information. Below, please find a statement that we are offering for the record, followed by some additional background information that we hope you will use to inform your article. Thank you – Liz

On the record: “We take our ethics responsibilities seriously; all political staff have had an ethics briefing and know their obligations. Each of us has committed to serve in a fair and professional way.” – Liz Bowman, EPA spokesperson

On Background:

Ms. Dravis has had **no** meetings with her former employers, RAGA or Freedom Partners. She is complying with the advice of Agency ethics counsel on her ethics obligations, and she has signed the ethics pledge.

We are working very hard to get back to people who submit FOIAs. Each FOIA EPA receives is managed and responded to by a team of professional career employees. EPA's director of the FOIA team explains that “In all situations, it is EPA's goal to respond to all requests as expeditiously as possible.”

EPA's ethics office confirms that all Regulatory Reform Task Force Members have received ethics training: “As ethics questions have arisen or been raised, they have consulted with EPA ethics promptly and abided by the counsel provided to them.”

EPA ethics is aware of Mr. Brown's spouse's employment and he has properly recused from participation in particular matters that affect that company as a specific party and as a member of an affected class. As he has met his ethical obligations through recusal, he did not need any other determination, including consideration of a waiver.

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Tuesday, June 20, 2017 10:09 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just tried you. I'm at 2132717217

Sent from my iPhone

On Jun 20, 2017, at 9:25 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Can you please give me a call at 202-564-3293?

From: Robert Faturechi [<mailto:Robert.Faturechi@propublica.org>]
Sent: Monday, June 19, 2017 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Ivory, Danielle <danielle.ivory@nytimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just making sure the questions below were received. Please let us know, and thanks.

From: Robert Faturechi
Sent: Friday, June 16, 2017 5:12 PM
To: 'Bowman, Liz'
Cc: 'Ivory, Danielle'
Subject: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Liz,

As you know, Danielle Ivory and I are working on a story for The New York Times and ProPublica about the regulatory reform task forces that have been created at several major agencies, based on President Trump's executive order. Through interviews, public records and Freedom of Information Act requests, we have identified many of the members of these task forces and have found that some may be reviewing regulations that, in their previous jobs, they worked to weaken or eliminate entirely.

We were hoping to ask you some questions ahead of our story publishing. Our deadline is Wednesday, June 21, at noon EST. We hope we will hear from you. If it would be easier to chat by phone please don't hesitate to call. Also, please note that we are requesting this information fully on the record, so that we can fully include your thoughts in the story. If something in particular needs to be on background, we are happy to discuss that with you, but please be advised that, otherwise, our conversations will be on the record.

-Our understanding is that Samantha Dravis, Ryan Jackson, Byron Brown and Brittany Bolen are on your regulatory reform task force. Can you provide us with the names of anyone else assigned to the task force?

-Has the task force identified any regulations yet that might be revised or eliminated? If so, which ones?

-As I mentioned before, we are stating in the story that EPA has thus far refused to disclose the calendar for task force chair Samantha Dravis through FOIA, even as an agency spokeswoman advised us we could get the calendar through FOIA. We also state that Ms. Dravis is a former top official for an industry-funded political group, that she is meeting privately with industry stakeholders, and that the agency is declining to say whether she has discussed regulations to eliminate with any of her previous employers or their funders. We mention Ms. Dravis' post at the the Republican Attorneys General Association, and her tenure as president of its Rule of Law Defense Fund, which brought together energy companies and Republican attorneys general working together to file lawsuits against the federal government over Obama-era

environmental regulations. We also mention she worked for Freedom Partners. Will Ms. Dravis' prior employment working for industry-funded groups in any way affect her decision making while at EPA? Outside of agency comment, is there anything Ms. Dravis would like to respond to or add directly?

-Our reporting found that another task force appointee, Byron Brown, is married to Lesley Schaaff, a senior government affairs manager for Hess Corporation who has lobbied the EPA directly. (The company was penalized more than \$45 million by the EPA because of alleged Clean Air Act violations at its refinery in Port Reading, New Jersey.) Has or will Mr. Brown recuse himself from evaluating regulations affecting Hess? Has he received a waiver to work on such issues? Is it a conflict for him to work on such issues? Does he or his wife own any stake in Hess? Schaaff is also a member of the natural gas subcommittee for the American Petroleum Institute, which has lobbied the EPA's regulatory reform task force to ease natural gas rules including on methane emissions. Will Mr. Brown be recusing himself from issues relating to the American Petroleum Institute? Has he received a waiver to work on such issues? Outside of agency comment, would Mr. Brown like to comment on any of these issues directly?

-According to OGE records, none of the task force members have been issued waivers to deal with issues that they recently worked on in the private sector. Have any task force members recused themselves from dealing with any companies or issues and, if so, please elaborate.

-We plan to report that Ryan Jackson was a longtime aide to Sen. Jim Inhofe. How will his prior employment affect his decision making while at EPA? Outside of agency comment, is there anything he would like to respond to or add directly?

-We plan to report that Brittany Bolen was Majority Counsel for the Senate Environment and Public Works Committee (which was chaired by Mr. Inhofe). How will her prior employment affect her decision making while at EPA? Outside of agency comment, is there anything she would like to respond to or add directly?

Thanks,

Robert and Danielle

Robert Faturechi

Reporter, ProPublica

Desk: 917-512-0216

Cell: 213-271-7217

robert.faturechi@propublica.org

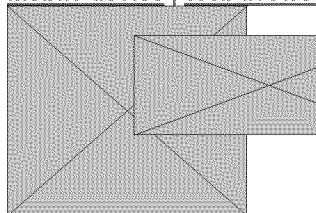
To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Gogo
Sent: Fri 8/4/2017 1:57:05 PM
Subject: [SPAM] Here's Your Gogo Receipt - Check Out Your Purchase Details! - Order #116364099SPDA

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Customer: samantha dravis
Email Address: dravis.samantha@epa.gov
Order #: 116364099SPDA
Date: 8/04/2017 PDT

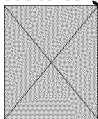
| Product | Quantity | Price |
|-------------|----------|---------|
| Flight Pass | 1 | \$19.95 |

Payment Info

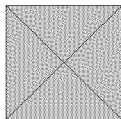
Tax : \$0.00

Total: \$19.95

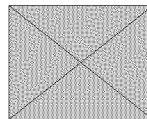
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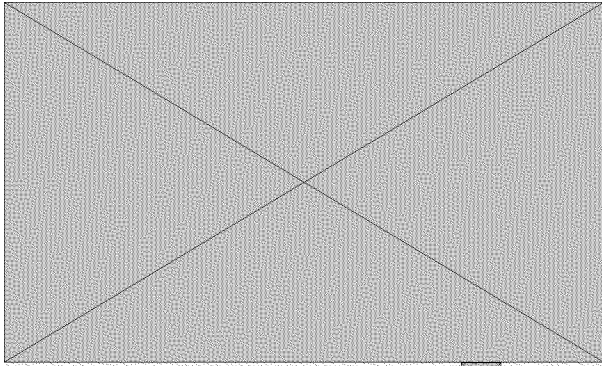
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111 N Canal St | Chicago, IL 60606 | USA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: registration@csg.org
Sent: Fri 8/18/2017 6:07:35 PM
Subject: 2017 AAPCA Fall Meeting Registration

Thank you for your interest in AAPCA's 2017 Fall Meeting!!

A detailed confirmation and receipt will be sent to you by a CSG staff member once your registration has been processed.

You have provided the following information:

Prefix: Ms.
First Name: Samantha
Last Name: Dravis
Title: Senior Counsel and Associate Administrator, Office of Policy
Organization: Environmental Protection Agency
Address: 1200 Pennsylvania Ave., NW, Room 3513 WJC-North, MC: 1804A
City: Washington
State: D.C.
Zip: 20460
Office Phone: 202 564-3656
Alternate Phone: 202 564-4332
Email: dravis.samantha@epa.gov
Guest name:
Child name:
Registration Category: Speaker
Topical Session - Attending: YES
Arrival date: September 20, 2017
Departure date: September 21, 2017
Special needs:

To: Davis, Gail[Davis.Gail@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM];
Inge, Carolyn[Inge.Carolyn@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Tue 10/10/2017 5:59:58 PM
Subject: Travel Receipt for DRAVIS/SAMANTHA K Travel date 01Jan
Travel Receipt Communication Attachment - M5VGZ4 - January 1 1.PDF

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Total Amount: 153.50 USD

This ticket information applies to the following trip(s):

Delta Air Lines Flight 6153 from New York NY to Washington DC on September 28
Amtrak Train 2172 from Union Station to New York Penn Station on September 27

ElectronicTicket Number: 0068611711071

Invoice Number: 000179673

Ticket Amount: 119.20 USD

Form of Payment: CA*****8060

Service Fee Number: 8900717869159

Service Fee Amount: 34.30 USD

Form of Payment: CA*****8060

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA053QM

| Date | From/To | Flight/Vendor | Status | Depart/Arrive | Class/Type |
|------|---------|---------------|--------|---------------|------------|
|------|---------|---------------|--------|---------------|------------|

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10Oct/12:59PM

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|---|------------|--------------|--------------------|--------------|
| | | | | |
| Air | Car | Hotel | Rail | Other |
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Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

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Service Fee Amount: 34.30 USD

Form of Payment: CA*****8060

Travel Summary – Agency Record Locator M5VGZ4

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA053QM

| Date | From/To | Flight/Vendor | Status | Depart/Arrive | Class/Type |
|------|---------|---------------|--------|---------------|------------|
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10 Oct 12:59 PM

| Estimated trip total | | | | 0.00 USD |
|---|-----|-------|-------------|----------|
| Air | Car | Hotel | Rail | Other |
| Unavailable | | | Unavailable | |
| All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation. | | | | |

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Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Michael Hayes
Sent: Mon 7/17/2017 6:37:06 PM
Subject: Help Protect Refiners Jobs-Changing the "Point of Obligation"

Samantha Dravis,

The time is now to help prevent a massive loss of good-paying American jobs. The EPA currently implements the Renewable Fuel Standard in a way that makes all U.S. refiners responsible for ensuring that certain levels of renewable fuels are blended into gasoline, even if they do not have capabilities to do such blending.

This nonsensical set-up allows large integrated oil companies that blend more fuel than they refine and big convenience store gasoline chains (who do much of the blending) to collect valuable credits for the renewable fuel they blend into the pure gasoline they get from refineries. Independent refiners, who do little or no blending themselves, then end up purchasing those credits in order to demonstrate compliance with a process they have little control over. Small and independent refiners are at risk of going offline due to this backwards regulation, with 75,000-150,000 U.S. workers potentially impacted.

Please, help save our jobs and make this right. Please move the point of obligation for the RFS in a way that fixes this inequity.

Thank you.

Michael Hayes
204 Hunters Run
Swedesboro, NJ 08085

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; inge.carolyn14@yahoo.com[inge.carolyn14@yahoo.com]
From: Concur Travel
Sent: Tue 9/12/2017 6:57:18 PM
Subject: Concur Itinerary 09/18/2017: TRIP FROM WASHINGTON, DC TO NEW YORK, NY (ZRHL3K)
[WAS-NYP.ics](#)
[NYP-WAS.ics](#)
[Renaissance New York Hotel Times Square.vcf](#)

Trip Overview

Trip Name: Trip from Washington, DC to New York, NY
Start Date: September 18, 2017
End Date: September 19, 2017
Created: September 12, 2017, SAMANTHA DRAVIS (Modified: September 12, 2017)
Description: NYC: The Administrator will be traveling to New York to participate in a discussion at the Concordia Annual Summit . He will discuss the current state of the EPA. He will also participate in various media interviews.
Agency Record Locator: ZRHL3K
Passengers: Samantha K Dravis
Total Estimated Cost: **\$301.00 USD**
Agency Name: BCD_EPA

Reservations

Monday, September 18, 2017



Train Washington - Union Station to New York - Penn Station

Amtrak 56

Departs: 08:10 AM
Washington - Union Station
Duration: 3 hours, 11 minutes
Seat: No seat assignment
Arrival: 11:21 AM
New York - Penn Station

Status: Not purchased through the reservation system

Additional Details

Class: Y



Renaissance New York Hotel Times Square

714 7th Ave, Two Times Square

Checking In: Mon Sep 18
Room 1, Days 1, Guests 1
Checking Out: Tue Sep 19

Confirmation: 90028263
Status:Confirmed

Additional Information

Daily Rate: \$301.00 USD

Total Rate: \$301.00 USD

Room Details

Room Description: RoomDescriptionCodeGMEF00

Remarks



CANCEL 3 DAYS PRIOR TO ARRIVAL

Tuesday, September 19, 2017



Train New York - Penn Station to Washington - Union Station

Amtrak 193

Departs: 05:39 PM
New York - Penn Station
Duration:3 hours, 34 minutes
Seat:No seat assignment
Arrival: 09:13 PM
Washington - Union Station

Status:Not purchased through the reservation
system

Additional Details

Class: Y



Total Estimated Cost

Hotel: \$301.00 USD

Total Estimated Cost: \$301.00 USD

Remarks

YOUR AMTRAK CONFIRMATION IS *39C439*
FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT

THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

YOUR AMTRAK RESERVATION NUMBER IS .
AMTRAK TICKETS ARE NON REFUNDABLE IF LOST OR STOLEN
OR IF RESERVATION IS NOT CANCELED PRIOR TO DEPARTURE.
AMTRAK CANCELLATION POLICIES VARY. FOR ADDITIONAL
INFORMATION VISIT WWW.AMTRAK.COM OR CALL 800-835-8725
YOUR TICKET HAS BEEN ISSUED ELECTRONICALLY WITH AMTRAK
YOU WILL NOT RECEIVE A PAPER TICKET. PLEASE PROCEED TO A
QUICK-TRAK KIOSK AND SWIPE YOUR CREDIT CARD TO PRINT
YOUR TICKET FOR BOARDING

Renaissance New York Hotel Times Square

714 7th Ave, Two Times Square,;New York;New York;10036;US

212-765-7676 (Work Voice)

212-765-1962 (Work Fax)

Version

2.1

Organization

Renaissance New York Hotel Times Square

Telephone Number (Work Voice)

212-765-7676

Telephone Number (Work Fax)

212-765-1962

Address (Work)

P.O. Address:

Extended Address:

Street: 714 7th Ave, Two Times Square,

Locality: New York

Region: New York

Postal Code: 10036

Country: US

Delivery Label (Work)

714 7th Ave, Two Times Square,;New York;New York;10036;US

Comment

Checkin Time: 16:00

Checkout Time: 12:00

Directions to Hotel:

Direction To The Property From Airport Ewr - Take The Lincoln Highway/us-1/us-9 To I-95 N/new Jersey Turnpike /toll Road/. Keep Left At The Fork To Continue Toward I-95 N. Take Exit 16e-18e To Merge Onto I-95 N Toward Us-46/ Lincoln Tunnel /partial Toll Road/. Travel 5.5 Miles And Take Exit 16 Toward Lincoln Tunnel /partial Toll Road/. Travel 0.5 Miles And Merge Onto Nj-495 E /partial Toll Road/. Entering New York. Continue Onto Lincoln Tunnel /toll Road/ And Take The Exit Toward W 40th St. Keep Left At The Fork And Follow Signs For New York 9a/42 Street/uptown/theater District And Then Turn Right Onto W 40th St. Turn Left At The 2nd Cross Street Onto 8th Ave. Turn Right On 48th Street. Take The 2nd Right Onto 7th Ave. The Hotel Will Be On The Right. Direction To The Property From Airport Jfk - Head Northeast And Take A Slight Right Onto Jfk Access Rd. Continue Onto Van Wyck Expy, Continue Onto I-678 N. Take Exit 12b For I-495 W/I I Expy Toward Midtown Tunnel. Merge Onto I- 495 W, Slight Right Toward E 37th St.

Last Revision

9/12/2017 2:57:18 PM

To: rrbparking[rrbparking@itcdc.com]
From: Cristal Shimamura
Sent: Thur 9/7/2017 7:53:28 PM
Subject: RRB Parking (Subsidized to Tenant Rate)
[RRB ITC-EFT Form .xls](#)
[Parker Info.xlsx](#)

Good afternoon,

We received information that your parking account may change effective October 1st 2017.

If you'd like to convert your parking account from the EPA subsidized program to full tenant rate, the rate per month would be \$319.00 payable by personal check or you can sign up for the automatic withdrawal / EFT and email the form back to me with a copy of your check.

In order to continue with uninterrupted parking, we would need the following before the 25th of September:

- (1) email from your agency informing us that you are no longer a part of the subsidized program
- (2) copy of the EFT form (see attached) or check
- (3) Parker Information (see attached)

Once we receive the above items, you will be able to use the same hangtag and parking pass.

Note: Once your account is set, monthly parking fee is due at the first of the month, if payment for your account is not received by the 5th of the month, the access card will be locked. Daily payments made due to locked access will not be reimbursed. Parking will be cancelled if payment is not received after the 10th of the month. The fee for returned check is \$35 and must be paid only by money order or certified check. The monthly parking fee is subject to change at any time. In the event of a rate change, RRB/ITC Parking will inform you via email.

Best regards,

Cristal S. Shimamura
Customer Service Manager
TCMA (A Drew Company)
cshimamura@itcdc.com
Direct: 202.312.1317



1300 Pennsylvania Avenue, NW Washington, DC 20004
[Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [YouTube](#)

Stay informed: [sign-up](#) to receive our monthly newsletter for the latest building news and events.

The information contained in this email is confidential and intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

From: Cristal Shimamura
Sent: Thursday, September 07, 2017 11:32 AM
To: Maridel Osborn
Subject: Transfer from EPA subsidized parking account to non-subsidized parking account

Hello,

Thank you for your email regarding the transfer from an EPA subsidized parking account to a non-subsidized, tenant parking account.

In order to transfer your account to the non-subsidized, tenant parking account, we will need to receive the monthly full-rate payment of \$319.00 by check or money by October 5, 2017 to continue with uninterrupted parking. Once the transfer goes into effect, you

will be able to use the same hangtag and parking pass (will they be keeping the same EPA parking pass?) as with the subsidized parking account.

Please complete the information below and send it back to me.

First Name
Last Name
Home Address
Work Address
Phone Number
Cell Phone Number

Vehicle Make:
Vehicle Model:
Vehicle Year:
Vehicle Color:
Vehicle State:
Vehicle License Plate

The monthly tenant full-rate fee for parking is \$319.00 payable by check or money order by the 1st of each month. If you would like to sign up for automatic bank withdrawals (EFT), please complete the attached form along with a scan of a voided check and send back to me.

If payment for your account is not received by the 5th of the month, the access card will be locked. Daily payments made due to locked access will not be reimbursed. Parking will be cancelled if payment is not received after the 15th of the month. The fee for returned check is \$35 and must be paid only by money order or certified check. The monthly parking fee is subject to change at any time. In the event of a rate change, RRB/ITC Parking will inform you via email.

Please make sure that you contact the EPA parking program to let them know about your intent to cancel with the program. In order to finalize this transfer, we will need an email from the EPA parking program stating that you will be canceling their program.

Best regards,

Cristal S. Shimamura
Customer Service Manager
TCMA (A Drew Company)
cshimamura@itcdc.com
Direct: 202.312.1317



1300 Pennsylvania Avenue, NW Washington, DC 20004
[Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [YouTube](#)

Stay informed: [sign-up](#) to receive our monthly newsletter for the latest building news and events.

The information contained in this email is confidential and intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

Parker Information

Last Name : _____

First Name : _____

Home Address : _____

Work Address : _____

Email Address: _____

Work phone # : _____

Cell phone # : _____

Vehicle Information:

Make _____

Make _____

Make _____

Model _____

Model _____

Model _____

Year _____

Year _____

Year _____

Color _____

Color _____

Color _____

State _____

State _____

State _____

License Plate # _____

License
Plate # _____

License
Plate # _____



**TCMA dba RRB/ITC Parking
Automatic Electronic Fund Transfer (EFT) Agreement**

To: RRB/ITC Parking

Customer Parking Account Number:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

I authorize RRB/ITC Parking to automatically charge my checking/savings account once per calendar month, on or before the 5th day of the month, for all amounts due on my monthly parking account. I understand that RRB/ITC Parking will send prior written notice of a rate change, and if I choose to change the nature or status of my requested services (e.g., reserved/unreserved parking, etc.) I will notify RRB/ITC Parking.

These procedures will remain in place until I give RRB/ITC Parking at least 30 days written notice that I elect to terminate this EFT service and resume normal monthly billing. I have attached a voided check if a checking account or a deposit ticket if a savings account from the account to which the charge will be posted. I further authorize a \$35.00 charge to my account in any case in which the automatic charge is rejected because my specified account has been closed or there were insufficient funds to cover the charges owed.

I agree to give RRB/ITC Parking written notice of any change in my bank or checking/savings account number accompanied by a voided check or deposit ticket from the new account, and understand that RRB/ITC Parking must receive notice by the 15th of a month in order for it to be effective as part of the next month's billing cycle.

I understand that if my bank account contains insufficient funds to satisfy all current parking charges, my right of access to and from the parking facility may be suspended or terminated (including, without limitation, keycard deactivation).

(Print Name)

(Date)

(Signature)

Please check one:

Checking

☐

Savings

☐

(Signature of joint depositor, if joint account)

Attach a voided check here.

PLEASE MAKE A COPY FOR YOUR RECORDS

For information call 202-312-1317/1295

Drop off this form at the Parking Office or e-mail a signed copy to rrbparking@itcdc.com.

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Billy Johnson
Sent: Tue 11/14/2017 8:13:17 PM
Subject: Scrap Recycling Facility Tour Invitation
1065_001.pdf

Samantha: It was great to see you last week during the meeting with the Administrator. Pursuant to our earlier conversations about visiting a scrap recycling facility, please find attached an invitation for you and Mr. Pruitt to visit the Sims Metal management facility in Jersey City, New Jersey. Of course, you and Mr. Pruitt may invite others from EPA who may want to also visit this amazing facility. The facility looks right into downtown NYC past the Statue of Liberty. I know you and Mr. Pruitt will absolutely enjoy this tour. Please feel free to contact me at your earliest convenience to make arrangements. All the best, Billy

William H. Johnson

Chief Lobbyist

1250 H Street, NW

Suite 400

Washington, DC 20005

(202) 662-8548 - direct

(202) 714-4259 - cell





The Institute of Scrap Recycling Industries, Inc. (ISRI) is the "Voice of the Recycling Industry." ISRI and its 21 chapters represent approximately 1,300 companies operating in nearly 4,000 locations in the U.S. and 34 countries worldwide that process, broker, and consume scrap commodities, including metals, paper, plastics, glass, rubber, electronics, and textiles. With headquarters in Washington, DC, ISRI provides education, advocacy, safety and compliance training, and promotes public awareness of the vital role recycling plays in the U.S. economy, global trade, the environment and sustainable development. Generating more than \$105 billion annually in U.S. economic activity, the scrap recycling industry provides nearly half a million Americans with good jobs. For more information about ISRI, please visit www.isri.org.

From: isri.copy
Sent: Tuesday, November 14, 2017 3:04 PM
To: Billy Johnson <BillyJohnson@isri.org>
Subject: Scan From Baler

To: Brown, Samuel L.[SlBrown@hunton.com]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Traylor, Patrick
Sent: Mon 8/14/2017 8:56:54 PM
Subject: RE: Environmental Law Institute | Speaker Invitation

Sam:

Would you mind giving us some more information on how you'd like the panel to work and what you might want us to cover?

Best,

Patrick

Patrick Traylor

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

(202) 809-8796 (cell)

From: Brown, Samuel L. [mailto:SlBrown@hunton.com]
Sent: Monday, August 14, 2017 12:18 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Environmental Law Institute | Speaker Invitation

Hi Patrick,

I am reaching out because I am helping to plan the Environmental Law Institute's (ELI)

conference on the Clean Water Act (CWA) on December 4-5 in Washington D.C. ELI sponsors this event every year and I've been involved for some time. It is for private and public sector professionals experienced in the CWA (not an introductory-level conference).

I am putting together a panel on *EPA Regulatory Reform and Enforcement Trends: What Does the Future Hold?* I was hoping you could join this panel on Monday, December 4. I will be the moderator. The other folks invited to the panel are:

- [REDACTED] Samantha Dravis, AA, EPA Office of Policy.
- [REDACTED] Mark Ryan, Ryan and Kuehler (former EPA attorney for 25+ years).

It would be great if you could join the panel to discuss enforcement. Please let me know if you have any questions or would like more information on the event.

Thanks! – Sam

HUNTON & WILLIAMS Samuel Brown

Senior Attorney

slbrown@hunton.com

p 415.975.3714

f 415.975.3775

[bio](#) | [vCard](#)

Hunton & Williams LLP
575 Market St.
Suite 3700
San Francisco, CA 94105

hunton.com

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov];

Personal Email/Ex. 6

From: Concur Travel

Sent: Tue 10/24/2017 2:03:03 PM

Subject: Concur Itinerary 10/26/2017: TRIP FROM WASHINGTON TO NEW ORLEANS (XKRRJ6)

[DCA-MSY.ics](#)

[MSY-DCA.ics](#)

[Le Meridien New Orleans.vcf](#)

Trip Overview

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.

Agency Record Locator: XKRRJ6

Passengers: Samantha K Dravis

Total Estimated Cost: **\$954.60 USD**

Important: Reservations must be approved and ticketed no later than: 10/21/2017 5:59 PM Eastern

The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BCD_EPA

Reservations

Thursday, October 26, 2017



Flight Washington, DC (DCA) to Atlanta, GA (ATL)

Delta 151

Departure: 03:00 PM

Seat: 19B (Confirmed)

Ronald Reagan National Arpt
(DCA)

Arrival: 04:57 PM

Hartsfield Intl Arpt (ATL)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971

Additional Details

Distance: 546 miles

Emissions: 234.8 lbs CO₂

Cabin: Economy (Y)

Remarks

FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM



52 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to New Orleans, LA (MSY)

Delta 811

Departure: 05:49 PM

Seat:36D (Confirmed)

Hartsfield Intl Arpt (ATL)

Arrival: 06:24 PM

Louis Armstrong Intl Arpt (MSY)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number:DL-6982016971

Additional Details

Distance: 424 miles

Emissions: 182.3 lbs CO₂

Cabin: Economy (Q)



Le Meridien New Orleans

333 Poydras St

New Orleans, Louisiana, 70130

US

504-525-9444

Checking In: Thu Oct 26

Room 1, Days 1, Guests 1

Checking Out: Fri Oct 27

Confirmation: 492269465

Status:**Confirmed**

Additional Information

Daily Rate: **\$142.00 USD**

Total Rate: **\$142.00 USD**

Room Details

Room Description: RoomDescriptionCodeB2QXVU



Friday, October 27, 2017



Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)

Delta 1277

Departure: 05:55 PM

Seat:36A (Confirmed)

Louis Armstrong Intl Arpt
(MSY)

Arrival: 08:22 PM

Hartsfield Intl Arpt (ATL)

Additional Details

Distance: 424 miles

Emissions: 182.3 lbs CO₂

Cabin: Economy (K)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number:DL-6982016971



1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)

Delta 2612

Departure: 10:05 PM

Seat:27A (Confirmed)

Hartsfield Intl Arpt (ATL)

Arrival: 11:46 PM

Ronald Reagan National Arpt
(DCA)

Confirmation: HCVUWD

Status: **Confirmed**

Air Frequent Flyer Number:DL-6982016971

Additional Details

Distance: 546 miles

Emissions: 234.8 lbs CO₂

Cabin: Economy (K)



Total Estimated Cost

Air

Airfare quoted amount: \$713.49 USD

Taxes and fees: \$99.11 USD

Air Total Price: \$812.60 USD

Hotel: \$142.00 USD

Total Estimated Cost: \$954.60 USD

**TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL
TICKETS ARE ISSUED.**

Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
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CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

**Flight# DL151 from DCA -> ATL
(1 hour and 57 mins.) Layover of 52 mins. Flight# 811
from ATL -> MSY
(1 hour and 35 mins.)**

20171026T190000Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20171026T190000Z

End Date/Time

20171026T232400Z

DTSTAMP

20171026T190000Z

Location

Summary

Flight# DL151 from DCA -> ATL
(1 hour and 57 mins.) Layover of 52 mins. Flight# 811 from ATL -> MSY
(1 hour and 35 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

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Agency Record Locator: XKRRJ6

Passengers: Samantha K Davis

Total Estimated Cost: \$ 954.60 USD

Important: Reservations must be approved and ticketed no later than: 10/21/2017 5:59 PM Eastern

The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BCD\_EPA

**Reservations**

~~~~~

Thursday, October 26, 2017

Flight Washington, DC (DCA) to Atlanta, GA (ATL)
.....

Delta 151

Departure: 03:00 PM
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Hartsfield Intl Arpt (ATL) \nConfirmation: HCVUWD
Status: Confirmed
Air Fre quent Flyer Number: DL-6982016971
Distance: 546 m iles
Emissions: 234.8 lbs CO 2
Cabin: Eco nomy (Y)
Remarks
FOR UP TO DATE TRAVEL IN FORMATION ON AIRLINE
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52 min layover at Hartsfield Intl Arpt (ATL)

F light Atlanta, GA (ATL) to New Orleans, LA (MSY)
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Delta 811

Departure: 05:49 PM
Seat: 36D (C onfirmed)
Hartsfield Intl Arpt (ATL)
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Louis Armstrong Intl Arpt (MSY)
Confirma tion: HCVUWD
Status: Confirmed
Air Frequent Fly er Number: DL-6982016971
Distance: 424 miles
Emissions: 182.3 lbs CO 2
Cabin: Economy (Q) \n
Le Meridien New Orleans
.....

333 Poydras St
New Orleans, Louisiana, 7 0130
US
504-525-9444

Checking In: Thu Oct 2 6
Room 1, Days 1, Guests 1
Checking Out: Fr i Oct 27
Confirmation: 492269465
Status: Confi rmed
Daily Rate: \$ 142.00 USD
Total Rate: \$ 14 2.00 USD
Room Details
Room Description: Roo mDescriptionCodeB2QXVU

Friday, October 27, 2017

Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)

Delta 1277
Departure: 05:55 PM
Seat: 36A (Confirmed)
Louis Armstrong Intl Arpt (MSY)
Arrival: 08:22 PM
Hartsfield Intl Arpt (ATL)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL- 6982016971
Distance: 424 miles
Emissions: 182.3 lbs CO₂
Cabin: Economy (K)

1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)

Delta 2612

Departure: 10:05 PM
Seat: 27A (Confirmed)
Hartsfield Intl Arpt (ATL)
Arrival: 11:46 PM
Ronald Reagan National Arpt (DCA)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO₂
Cabin: Economy (K)
Total Estimated Cost

Airfare quoted amount: \$ 713.49 USD
Taxes and fees: \$ 99.11 USD
Air Total Price: \$ 812.60 USD
Hotel: \$ 142.00 USD
Total Estimated Cost: \$ 954.60 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

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THE BCD TRAVEL TEAM AT 1-866-964-1346
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FOR THE HEARING IMPAIRED - PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE

NUMBER OF 1-866-964-1346 TO ACCESS TRAV EL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO CANCELLATION BY THE
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48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
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THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

UID

XKRRJ6-2017-10-26T19:00:00.000Z-2017-10-26T23:24:00.000Z@conkursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight DCA -> MSY

Le Meridien New Orleans

333 Poydras St,;New Orleans;Louisiana;70130;US

504-525-9444 (Work Voice)

504-581-7179 (Work Fax)

Version

2.1

Organization

Le Meridien New Orleans

Telephone Number (Work Voice)

504-525-9444

Telephone Number (Work Fax)

504-581-7179

Address (Work)

P.O. Address:

Extended Address:

Street: 333 Poydras St,

Locality: New Orleans

Region: Louisiana

Postal Code: 70130

Country: US

Delivery Label (Work)

333 Poydras St,;New Orleans;Louisiana;70130;US

Comment

Checkin Time: 15:00

Checkout Time: 12:00

Directions to Hotel:

Direction To The Property From East - Take I-10 To Canal Street/superdome Exit. Turn Right On Canal. .go 10 Blocks..turn Right On Tchoupitoulas Street..go 2 Blocks . Left On Poydras Street..go 1 Block. Left On South Peter.. Hotel On Corner. Direction To The Property From West - Take I-10 To The Poydras Street/superdome Exit. Go Straight On Poydras For Approximately 12 Blocks. Hotel Is On The Left At The Corner Of South Peters And Poydras Street.

Last Revision

10/24/2017 10:03:03 AM

Flight# DL1277 from MSY -> ATL
(1 hour and 27 m ins.) Layover of 1 hour and 43 mins.
Flight# 261 2 from ATL -> DCA
(1 hour and 41 mins.)

20171027T225500Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20171027T225500Z

End Date/Time

20171028T034600Z

DTSTAMP

20171027T225500Z

Location

Summary

Flight# DL1277 from MSY -> ATL
(1 hour and 27 m ins.) Layover of 1 hour and 43 mins. Flight# 261 2 from ATL -> DCA
(1 hour and 41 mins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to New Orleans

Start Date: October 26, 2017

End Date: October 27, 2017

Created: October 20, 2017, SAMANTHA DRAVIS (Modified: October 24, 2017)

Description: Purpose: Traveler will staff the Administrator in New Orleans for his Breakfast Roundtable with Business Leaders, meeting with the Attorney general and his speaking engagement at the Louisiana Chemical Association Alliance Meeting.

Agency Record Locator: XKRRJ6

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 954.60 USD

Important: Reservations must be approved and ticketed no later than: 10/21/2017 5:59 PM Eastern

The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BCD\_EPA

**Reservations**

~~~~~

Thursday, October 26, 2017

Flight Washington, DC (DCA) to Atlanta, GA (ATL)
.....

Delta 151

Departure: 03:00 PM
Seat: 19B (Confirmed)
Ronald Reagan National Arpt (DC A)
Arrival: 04:57 PM
Hartsfield Intl Arpt (ATL) \nConfirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO2
Cabin: Economy (Y)
Remarks
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

52 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to New Orleans, LA (MSY)
..... \n

Delta 811

Departure: 05:49 PM
Seat: 36D (Confirmed)
Hartsfield Intl Arpt (ATL)
Arrival: 06:24 PM
Louis Armstrong Intl Arpt (MSY)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 424 miles
Emissions: 182.3 lbs CO2
Cabin: Economy (Q) \n
Le Meridien New Orleans
.....

333 Poydras St
New Orleans, Louisiana, 70130
US
504-525-9444

Checking In: Thu Oct 26
Room 1, Days 1, Guests 1
Checking Out: Fri Oct 27
Confirmation: 492269465
Status: Confirmed
Daily Rate: \$ 142.00 USD
Total Rate: \$ 142.00 USD
Room Details
Room Description: RoomDescriptionCodeB2QXVU

Friday, October 27, 2017

Flight New Orleans, LA (MSY) to Atlanta, GA (ATL)
.....

Delta 1277 \n
Departure: 05:55 PM
Seat: 36A (Confirmed)
Louis Armstrong Intl Arpt (MSY)
Arrival: 08:22 PM
Hartsfield Intl Arpt (ATL)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL- 6982016971
Distance: 424 miles
Emissions: 182 .3 lbs CO 2
Cabin: Economy (K)

1 hr, 43 min layover at Hartsfield Intl Arpt (ATL)

Flight Atlanta, GA (ATL) to Washington, DC (DCA)
.....

Delta 2612

Departure: 10:05 PM
Seat: 27A (Confirmed)
Hartsfield Intl Arpt (ATL)
Arrival: 11:46 PM
Ronald Reagan National Arpt (DCA)
Confirmation: HCVUWD
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Distance: 546 miles
Emissions: 234.8 lbs CO 2
Cabin: Economy (K) \n
Total Estimated Cost
~~~~~

\nAir  
Airfare quoted amount: \$ 713.49 USD  
Taxes and fees: \$ 99.11 USD  
Air Total Price: \$ 812.60 USD  
Hotel: \$ 142.00 USD  
Total Estimated Cost: \$ 954.60 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL  
TICKETS ARE ISSUED.

Remarks  
~~~~~

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED - PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE

NUMBER OF 1-866-964-1346 TO ACCESS TRAV EL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO CANCELLATION BY THE
AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

UID

XKRRJ6-2017-10-27T22:55:00.000Z-2017-10-28T03:46:00.000Z@conkursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight MSY -> DCA

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]
From: Strobel, Kristin
Sent: Tue 8/29/2017 7:08:32 PM
Subject: Call Request

Samantha,

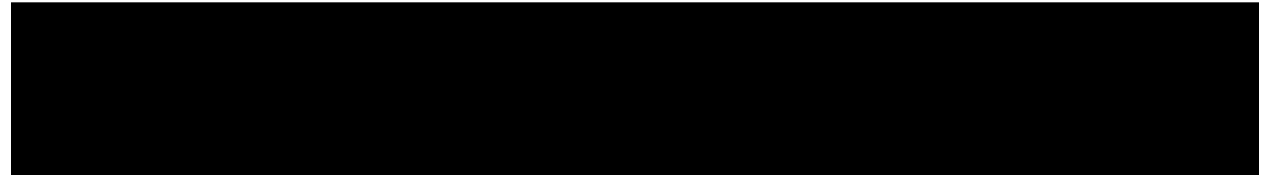
Hope all is well. Let me know if you have 2 minutes this week to catch up about my inquiry from last week.

Thank you!

Kristin

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Ross Eisenberg
Sent: Mon 6/26/2017 3:49:59 PM
Subject: Re: Ozone

No problem. Here you go: lwilk@nam.org



Hey Ross can you shoot me Lauren Airey's work email address?

Sent from my iPhone

On Jun 6, 2017, at 9:25 PM, Ross Eisenberg <REisenberg@nam.org> wrote:

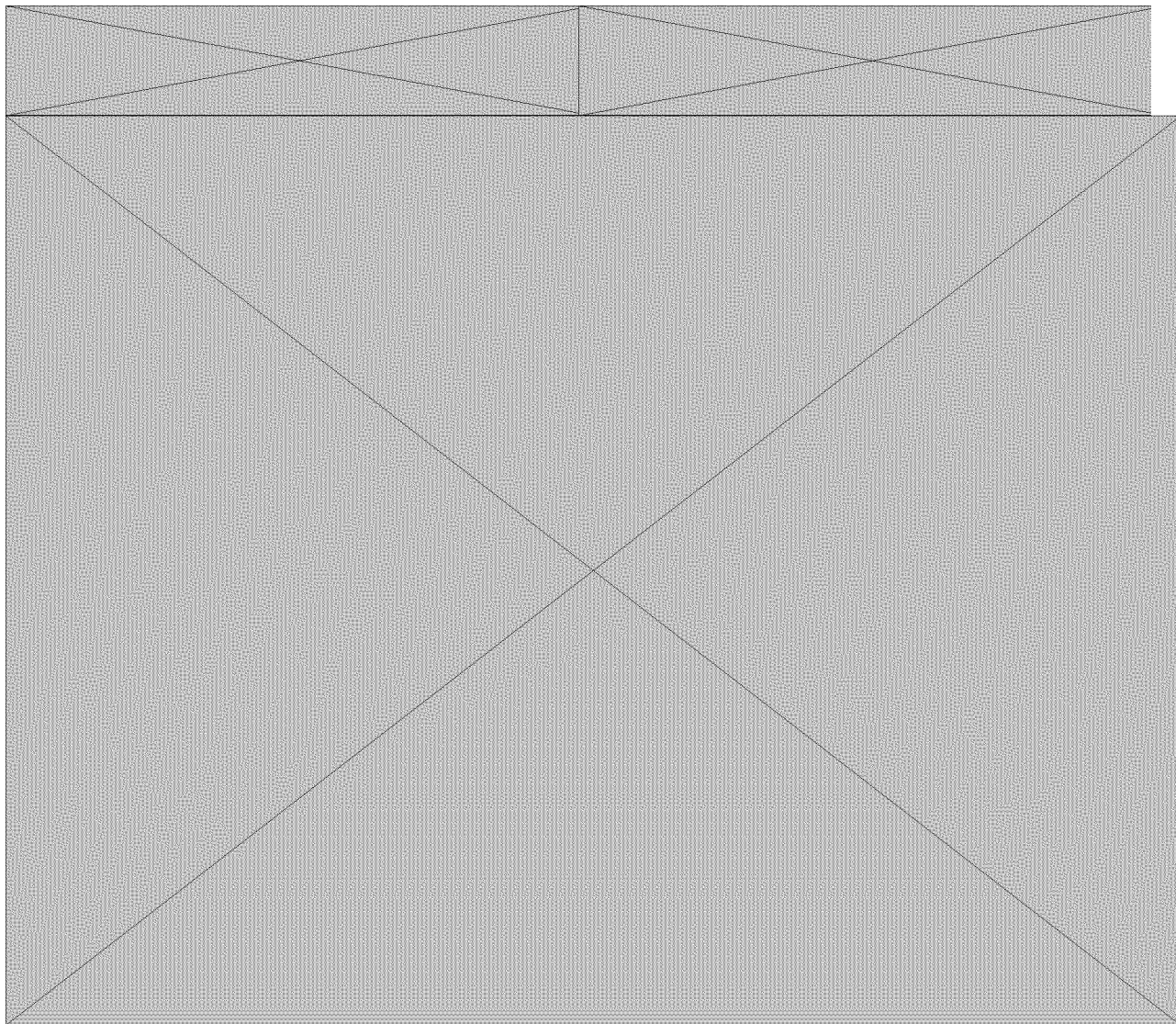
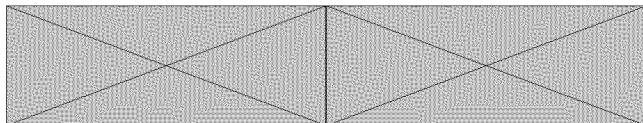
This just went up from NAM on today's announcement:

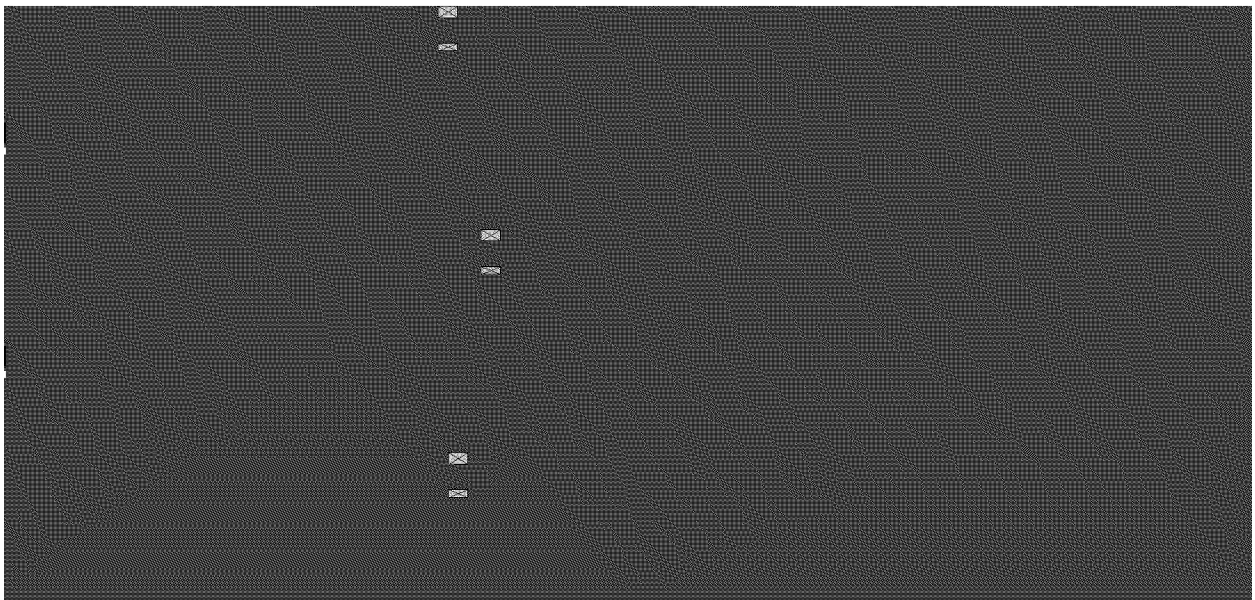
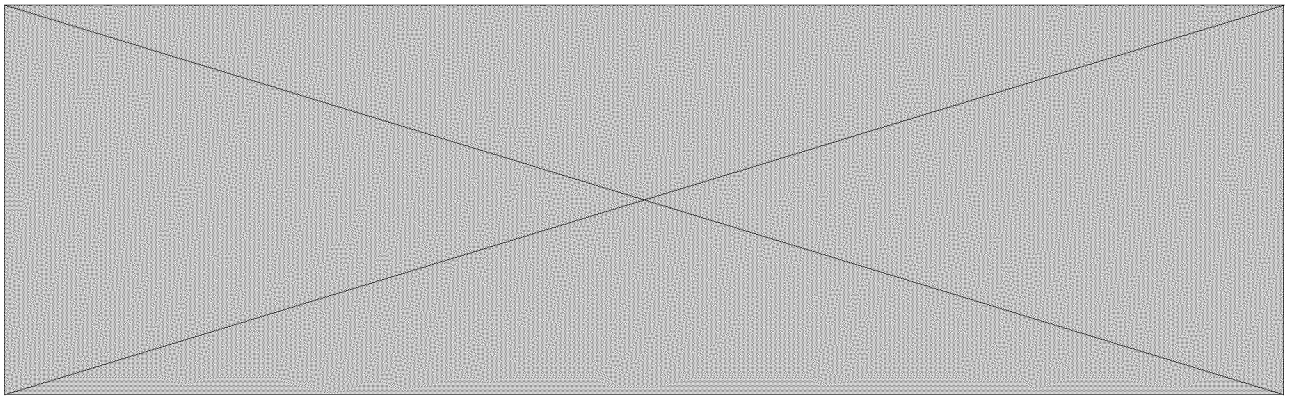
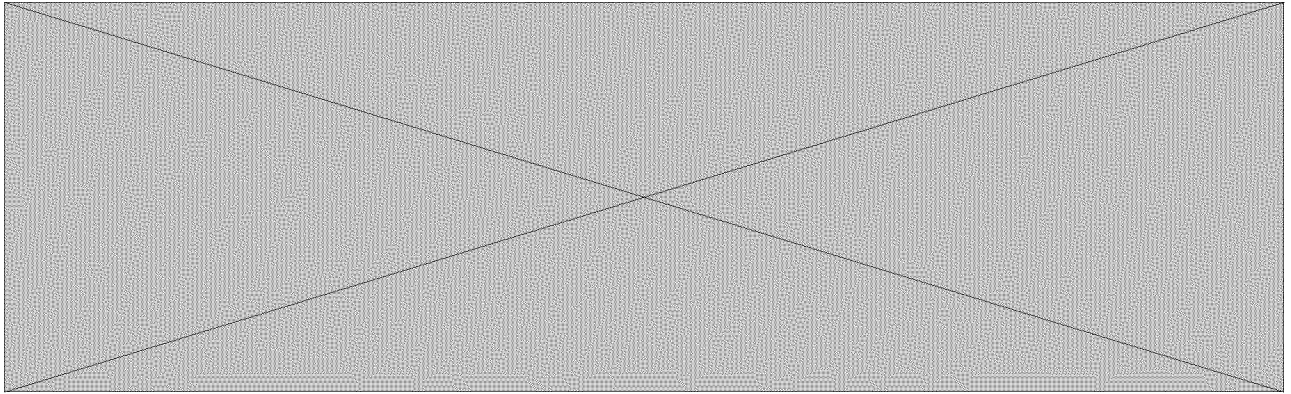
<http://www.shopfloor.org/2017/06/epa-grants-states-much-needed-flexibility-ozone-standard/>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Hilton Honors
Sent: Thur 9/28/2017 3:04:02 PM
Subject: [SPAM] BRITTANY, get the lowest prices (all the time)









Account# 745537106.

* Valid for current Hilton Honors members only. Rate subject to availability at participating hotels and resorts. Excludes hotels in Mainland China, Macau, Hong Kong and Taiwan. Hilton Honors members booking within a 14 day window prior to their stay will receive 2% off the hotel's Best Available (Easy Cancellation) Rate ("BAR") all days of the week. Members booking 15 days or more prior to their stay will receive 3% off BAR for stays Sunday – Thursday and 10% off BAR for stays

Friday – Saturday. Hilton Honors Discount is only available for up to two rooms per member. [View Full Rate Terms & Conditions](#).

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This email was delivered to dravis.samantha@epa.gov. [Click here to Unsubscribe](#). Unsubscribing from all marketing email will prevent you from receiving your Hilton Honors Monthly Statement. You can continue to check your account by [logging into your profile](#) or by calling 1-800-4HONORS. Outside the United States and Canada, please dial + 800 44 45 86 67 for assistance.

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Hilton Reservations and Customer Care | 2050 Chenault Drive | Carrollton, Texas 75006, USA

2017|R05|B01|M02|E02|V13|CORE9482|ThurBookDirect|H01|EN|Week2

....

To: Robin Wiener[RobinWiener@isri.org]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Billy Johnson[BillyJohnson@isri.org]; David Waggoner[DavidWaggoner@isri.org]; Adina Renee Adler[aadler@isri.org]; Strobel, Kristin[KStrobel@bgrdc.com]; Mark Lewon[mark@umw.com]
From: Mark Reiter
Sent: Thur 6/22/2017 1:49:28 PM
Subject: RE: Thank you

Perfect!

From: Robin Wiener
Sent: Thursday, June 22, 2017 9:25 AM
To: dravis.samantha@epa.gov
Cc: Billy Johnson <BillyJohnson@isri.org>; David Waggoner <DavidWaggoner@isri.org>; Mark Reiter <MarkReiter@isri.org>; Adina Renee Adler <aadler@isri.org>; Strobel, Kristin <KStrobel@bgrdc.com>; Mark Lewon <mark@umw.com>
Subject: Thank you

Samantha

Thank you so much for taking the time to join us yesterday and sharing Administrator Pruitt's priorities for EPA. Everyone enjoyed the opportunity to talk with you. We were all especially grateful for your having reviewed our written comments and listening to our priority issues for regulatory reform. It was very clear from your remarks that this Administration is doing its best to listen and try to address the concerns of industry. Thank you!

As promised, attached is the electronic version of ISRI's one-pager describing the Chinese threat of an import ban on scrap commodities. With \$5.6 billion of scrap exported from the US to China last year, supporting tens of thousands of jobs, I am sure you can understand why we are concerned. I appreciate your offer to bring this to the attention of the appropriate offices within the White House. Please also let me know who I should follow up with.

We look forward to following up with you very soon to set up a meeting to flesh out our issues. Again, thank you for your time, and your willingness to listen!

Robin

Robin K Wiener

President, Institute of Scrap Recycling Industries

1250 H St., NW, Suite 400 | Washington, DC 20005 | (202) 662-8512 |
www.isri.org | www.ISRISafety.org



To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kesten Green[Kesten.Green@unisa.edu.au]
From: Armstrong, J Scott
Sent: Fri 8/4/2017 1:02:27 PM
Subject: Suggestions on the RedTeam-Blue Team plan
Red-team suggestions-R11.docx

Hi Again, Samantha Dravis,

Just checking. Can you confirm that you received this message?

Thanks,

Scott

Dear Samantha Dravis,

Kesten Green and I have been working on ideas for running Red Team-Blue Team exercises in the hope that you are able to pass our notes on to Scott Pruitt. Might you be able to do so?

Thank you,

J. Scott Armstrong, Professor

The Wharton School, JMHH 747

U. of Pennsylvania, Phila., PA 19104

Home Phone 610-622-6480

Dear Administrator Pruitt,

Congratulations on the excellent changes that you have made at the EPA to date.

My colleague Kesten Green and I applaud your plan to use a red-team process for reviewing regulations. We have been inspired by your plan to compile evidence-based suggestions on how best to implement a Red team-Blue team exercise for your consideration.

Our brief report is attached. We hope that it will be of some use to you.

Sincerely,

J. Scott Armstrong, Professor

The Wharton School

U. of Pennsylvania, Phila., PA 19104

Home Phone 610-622-6480

[Homepage](#)

Kesten C. Green

University of South Australia

Adelaide, SA 5000, Australia

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Shelby, Laurie M.[Laurie.Shelby@alcoa.com]
From: Elam Harden, Sonya
Sent: Fri 8/18/2017 6:07:25 PM
Subject: RE: EPA region V contact for SO2 attainment discussion

Samantha,

Just checking in to see if there is anything else you need from Alcoa regarding this issue. We have learned from the state of Indiana that the 120-letter will be mailed next week, and they anticipate that Warrick County could be cited as "unclassifiable". We'll keep you posted.

Greatly appreciate your help. Have a good weekend.

Best,
Sonya

Sonya Elam Harden
Vice President, Government Affairs - Western Hemisphere
Alcoa Corporation
Mobile +01 864 357 1258 | sonya.harden@alcoa.com | www.alcoa.com

-----Original Message-----

From: Shelby, Laurie M.
Sent: Thursday, August 10, 2017 1:04 PM
To: dravis.samantha@epa.gov
Cc: Elam Harden, Sonya <sonya.elam@alcoa.com>
Subject: EPA region V contact for SO2 attainment discussion

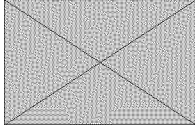
Hi Samantha,
Based on our call yesterday, John Mooney is the appropriate contact at Region V to discuss the modeling issues for Warrick county.
His number is 312-886-6043.

Thanks and please let us know if you need any additional information. Laurie

Sent from my iPhone

Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: DoubleTree by Hilton
Sent: Thur 9/14/2017 6:19:25 PM
Subject: Your Upcoming 21 Sep 2017 Stay at DoubleTree by Hilton Hotel Raleigh - Brownstone - University

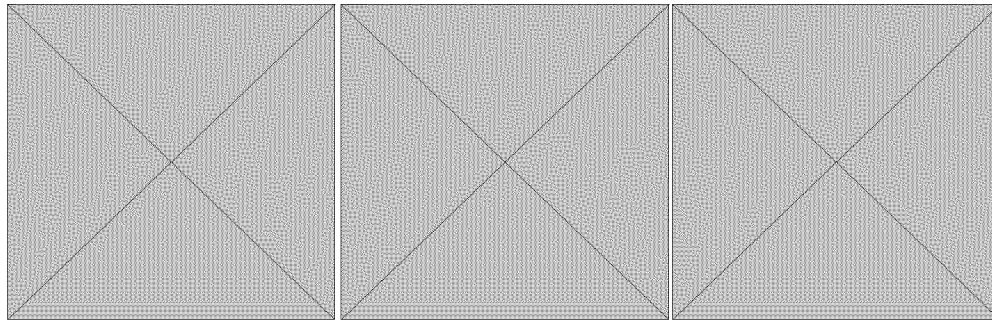


**DoubleTree by Hilton Hotel Raleigh -
Brownstone - University**
1707 Hillsborough Street, Raleigh, NC 27605
T: 1 919-828-0811.

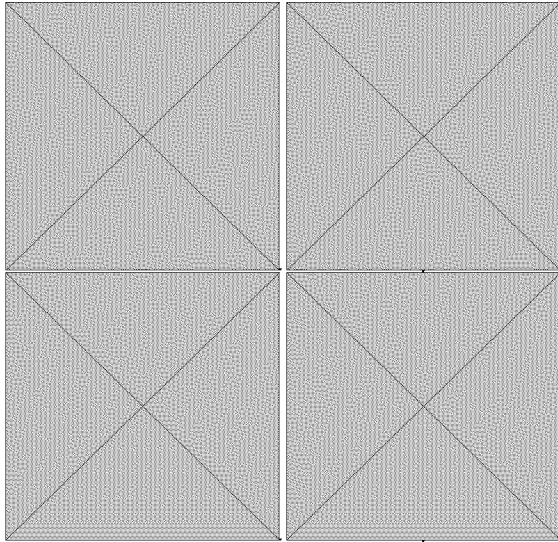
21, Sep. 2017 – 22, Sep. 2017
Confirmation: 86877966.



Samantha Dravis,
we look forward to seeing you!



Change of plans? Let us know in advance to avoid any cancellation charges.



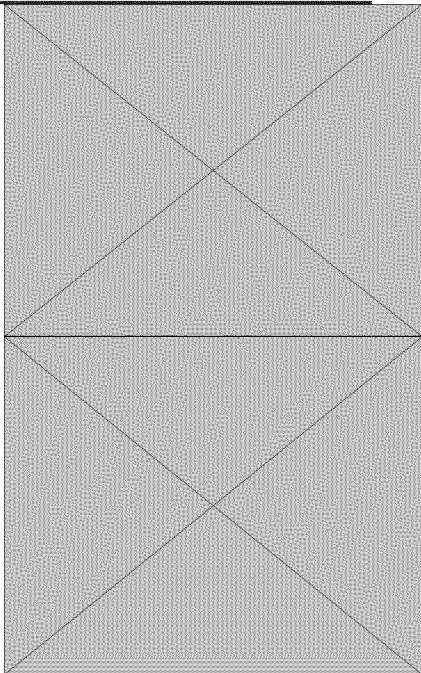
[Click here](#) to view or change your booking. .

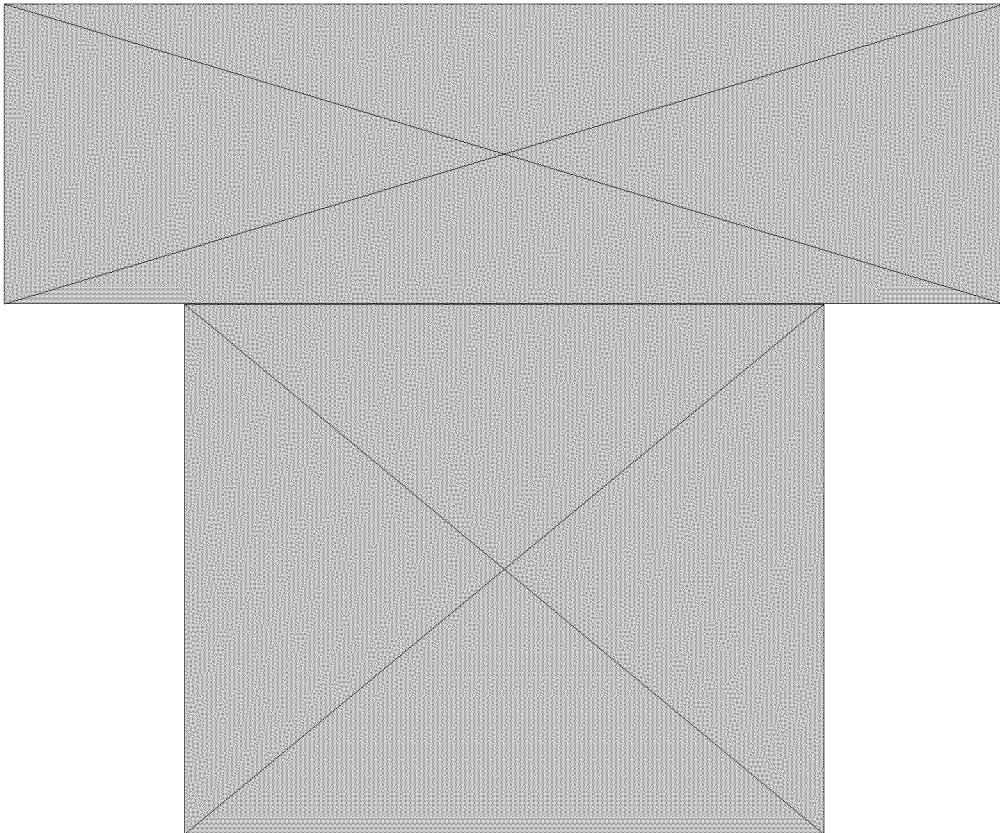
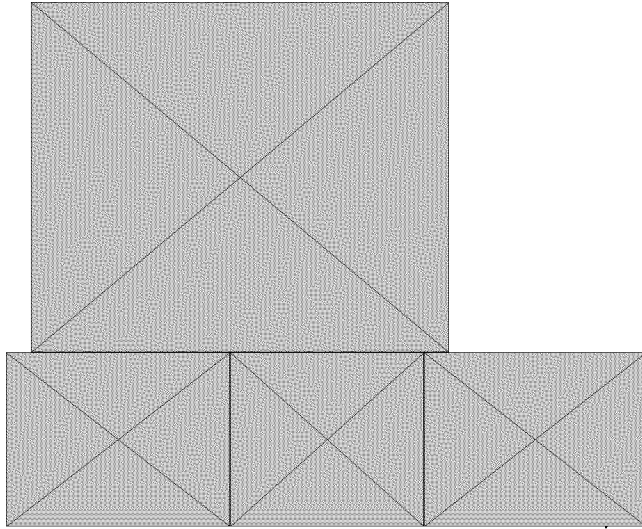
At DoubleTree by Hilton every little thing we do adds up to create a rewarding experience for you, whether you are celebrating an occasion, meeting on business, or enjoying a needed getaway..

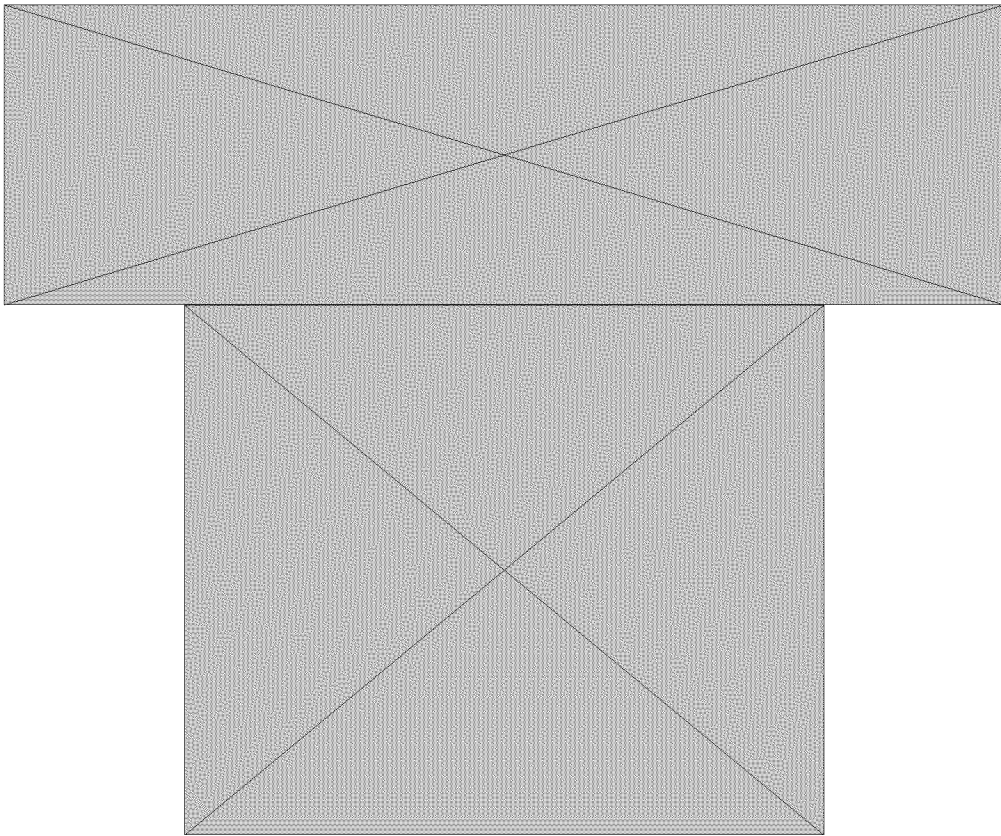
The comforts of home even when you're away..

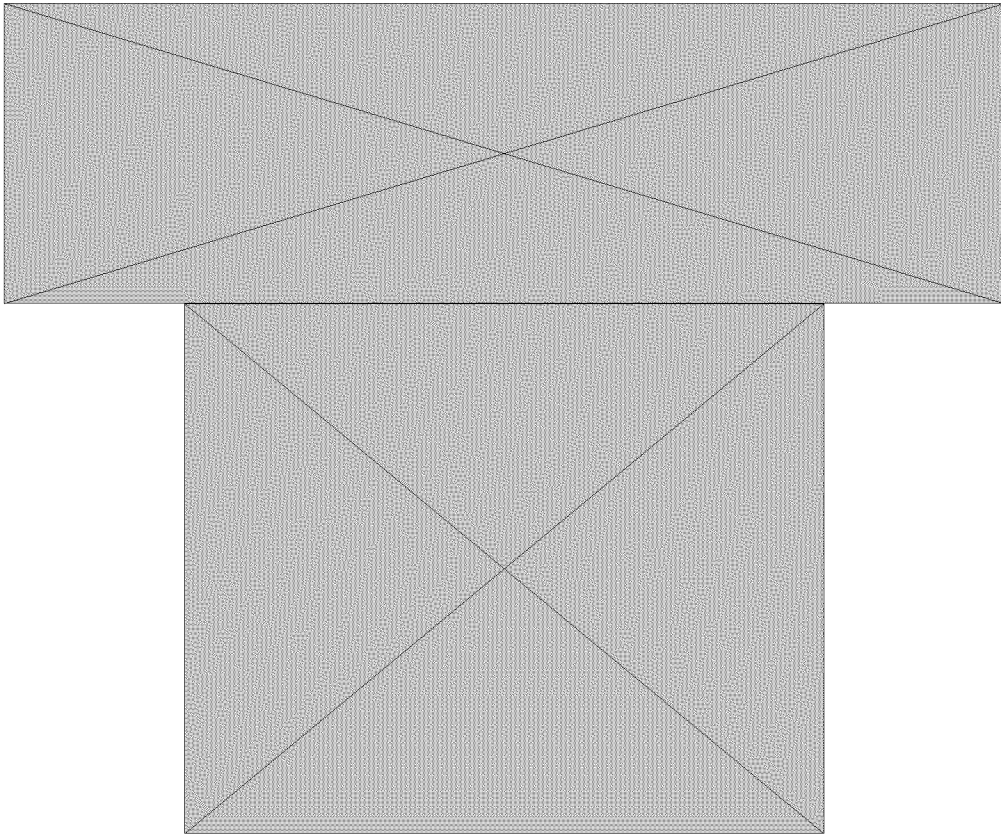
We want to make sure your arrival is the perfect beginning to a relaxing stay, so let us prepare your room ahead of time with any extra touches that would make it feel more like home*..

CUSTOMIZE YOUR STAY ☒









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[Unsubscribe](#)

[View online](#)

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; inge.carolyn14@yahoo.com[inge.carolyn14@yahoo.com]
From: Concur Travel
Sent: Tue 9/19/2017 1:27:39 PM
Subject: Concur Itinerary 09/21/2017: TRIP FROM WASHINGTON TO RALEIGH (MJ8BK0)
[DCA-RDU.ics](#)
[RDU-DCA.ics](#)

Trip Overview

Trip Name: Trip from Washington to Raleigh
Start Date: September 21, 2017
End Date: September 22, 2017
Created: September 19, 2017, CAROLYN INGE (Modified: September 19, 2017)
Description: 2017 Fall Business Meeting
Trip Purpose: 4-SPEECH OR PRESENTATION
Agency Record Locator: MJ8BK0
Passengers: Samantha K Dravis
Total Estimated Cost: **\$481.40 USD**
Important: Reservations must be approved and ticketed no later than: 09/21/2017 11:40 AM Eastern
The trip will be automatically cancelled if it is not approved before the deadline.
Agency Name: BCD_EPA

Reservations

Thursday, September 21, 2017



Flight Washington, DC (DCA) to Raleigh, NC (RDU)

American Airlines 4380
Operated by: TRANS STATES AS AMERICAN EAGLE

Departure: 07:40 PM
Seat: 14B (Confirmed)
Ronald Reagan National Arpt (DCA)
Terminal: C
Duration: 1 hour, 22 minutes
Nonstop
Arrival: 09:02 PM
Raleigh Durham Intl Arpt (RDU)
Terminal: 2

Confirmation: OLBSWD
Status: **Confirmed**

Additional Details

Aircraft: Embraer RJ145
Distance: 227 miles
E-Ticket
Emissions: 120.3 lbs CO₂

Cabin: Economy (Y)



Friday, September 22, 2017



Flight Raleigh, NC (RDU) to Washington, DC (DCA)

Delta 6256

Operated by: GOJET AIRLINES DBA DELTA CONNECTION

Departure: 02:49 PM

Seat: 14C (Confirmed)

Raleigh Durham Intl Arpt (RDU)

Terminal: 2

Duration: 1 hour, 11 minutes

Nonstop

Arrival: 04:00 PM

Ronald Reagan National Arpt (DCA)

Terminal: B

Confirmation: HKF852

Status: **Confirmed**

Air Frequent Flyer Number: DL-6982016971

Additional Details

Aircraft: Canadair 700

Distance: 227 miles

E-Ticket

Emissions: 120.3 lbs CO₂

Cabin: Economy (U)

Meal: No Meal Served



Total Estimated Cost

Air

Airfare quoted amount: \$152.56 USD

Taxes and fees: \$25.64 USD

Airfare quoted amount: \$268.84 USD

Taxes and fees: \$34.36 USD

Total Estimated Cost: \$481.40 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL TICKETS ARE ISSUED.

Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT

THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

**Flight# AA4380 from DCA -> RDU
(1 hour and 22 m ins.)**

20170921T234000Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20170921T234000Z

End Date/Time

20170922T010200Z

DTSTAMP

20170921T234000Z

Location

Summary

Flight# AA4380 from DCA -> RDU
(1 hour and 22 m ins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to Raleigh

Start Date: September 21, 2017

End Date: September 22, 2017

Created: September 19, 2017, CAROLYN INGE (Modified: September 19, 2017)

Description: 2017 Fall Business Meeting

Trip Purpose: 4-SPEECH OR PRESENTATION

Agency Record Locator: MJ8BK0

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 481.40 USD

Important: Reservations must be approved and ticketed no later than: 09/21/2017 11:40 AM Eastern  
The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BC D\_EPA

**Reservations**

~~~~~

Thursday, September 21, 2017

Flight Washington, DC (DCA) to Raleigh, NC (RDU)

.....

\\American Airlines 4380

Operated by: TRANS STATES AS AMERICAN EAGLE

Departure: 07:40 PM
Seat : 14B (Confirmed)
Ronald Reagan National Arpt (DCA)
Terminal: C
Duration: 1 hour, 22 minutes
Nonstop
Arrival: 09:02 PM
Raleigh Durham Intl Arpt (RDU)
Terminal: 2
Confirmation: OLBSWD
Status : Confirmed
Aircraft: Embraer RJ145
Distance: 227 miles
E-Ticket
Emissions: 120.3 lbs CO₂ \nCabin: Economy (Y)

Friday, September 22 \, 2017

Flight Raleigh, NC (RDU) to Washington, DC (DCA)
.....

Delta 6256 \nOperated by: GOJET AIRLINES DBA DELTA CONNECTION

Departure: 02:49 PM
Seat: 14C (Confirmed) \nRaleigh Durham Intl Arpt (RDU)
Terminal: 2
Duration: 1 hour, 11 minutes
Nonstop
Arrival: 04:00 PM
Ronald Reagan National Arpt (DCA)
Terminal: B
Confirmation: HKF852
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Aircraft: Canadair 700
Distance: 227 miles
E-Ticket
Emissions: 120.3 lbs CO₂
Cabin: Economy (U)
Meal: No Meal Served

Total Estimated Cost
~~~~~

Air  
Airfare quoted amount: \$ 152.56 USD  
Taxes and fees: \$ 25.64 USD  
Air fare quoted amount: \$ 268.84 USD  
Taxes and fees: \$ 34.36 USD  
Total Estimated Cost: \$ 481.40 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL  
TICKETS ARE ISSUED.

Remarks

~~~~~

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DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
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PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
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RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

UID

MJ8BK0-2017-09-21T23:40:00.000Z-2017-09-22T01:02:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight DCA -> RDU

Flight# DL6256 from RDU -> DCA (1 hour and 11 m ins.)

20170922T184900Z

Version

2.0

METHOD

PUBLISH

Start Date/Time

20170922T184900Z

End Date/Time

20170922T200000Z

DTSTAMP

20170922T184900Z

Location

Summary

Flight# DL6256 from RDU -> DCA
(1 hour and 11 m ins.)

Description

Trip Overview

~~~~~

Trip Name: Trip from Washington to Raleigh

Start Date: September 21, 2017

End Date: September 22, 2017

Created: September 19, 2017, CAROLYN INGE (Modified: September 19, 2017)

Description: 2017 Fall Business Meeting

Trip Purpose: 4-SPEECH OR PRESENTATION

Agency Record Locator: MJ8BK0

Passengers: Samantha K Dravis

Total Estimated Cost: \$ 481.40 USD

Important: Reservations must be approved and ticketed no later than: 09/21/2017 11:40 AM Eastern  
The trip will be automatically cancelled if it is not approved before the deadline.

Agency Name: BC D\_EPA

**Reservations**

~~~~~

Thursday, September 21, 2017

Flight Washington, DC (DCA) to Raleigh, NC (RDU)

.....

\\American Airlines 4380

Operated by: TRANS STATES AS AMERICAN EAGLE

Departure: 07:40 PM
Seat : 14B (Confirmed)
Ronald Reagan National Arpt (DCA)
Terminal: C
Duration: 1 hour, 22 minutes
Nonstop
Arrival: 09:02 PM
Raleigh Durham Intl Arpt (RDU)
Terminal: 2
Confirmation: OLBSWD
Status : Confirmed
Aircraft: Embraer RJ145
Distance: 227 miles
E-Ticket
Emissions: 120.3 lbs CO₂ \nCabin: Economy (Y)

Friday, September 22 \, 2017

Flight Raleigh, NC (RDU) to Washington, DC (DCA)
.....

Delta 6256 \nOperated by: GOJET AIRLINES DBA DELTA CONNECTION

Departure: 02:49 PM
Seat: 14C (Confirmed) \nRaleigh Durham Intl Arpt (RDU)
Terminal: 2
Duration: 1 hour, 11 minutes
Nonstop
Arrival: 04:00 PM
Ronald Reagan National Arpt (DCA)
Terminal: B
Confirmation: HKF852
Status: Confirmed
Air Frequent Flyer Number: DL-6982016971
Aircraft: Canadair 700
Distance: 227 miles
E-Ticket
Emissions: 120.3 lbs CO₂
Cabin: Economy (U)
Meal: No Meal Served

Total Estimated Cost
~~~~~

Air  
Airfare quoted amount: \$ 152.56 USD  
Taxes and fees: \$ 25.64 USD  
Air fare quoted amount: \$ 268.84 USD  
Taxes and fees: \$ 34.36 USD  
Total Estimated Cost: \$ 481.40 USD

TICKET NOT YET ISSUED. AIRFARE QUOTED IN ITINERARY IS NOT GUARANTEED UNTIL  
TICKETS ARE ISSUED.

Remarks

~~~~~

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING .
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

UID

MJ8BK0-2017-09-22T18:49:00.000Z-2017-09-22T20:00:00.000Z@concursolutions.com

Priority

3

Time Transparency

OPAQUE

TRIGGER

-PT180M

REPEAT

2

DURATION

PT60M

ACTION

DISPLAY

Description

3 Hours to your flight RDU -> DCA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Jonathon Lehman
Sent: Mon 7/17/2017 6:29:05 PM
Subject: Accepted: Meeting with Brian Jennings, Executive VP of ACE to Discuss Biofuel Priorities
[ATT00001.ics](#)
[reply.ics](#)

**Meeting with Brian Jennings, Executive VP of ACE toDiscuss
Biofuel Priorities
DCRoomARN3500/OPEI
20170719T193000Z
CONFIRMED**

Version

2.0

PRODID

Spark

CALSCALE

GREGORIAN

METHOD

REPLY

Start Date/Time

20170719T193000Z

End Date/Time

20170719T200000Z

DTSTAMP (VALUE=DATE-TIME)

20170717T182859Z

ORGANIZER (CN=Dravis, Samantha)

MAILTO:dravis.samantha@epa.gov

Attendee

MAILTO:jonathon@americancapitolgroup.com

Role REQ-PARTICIPANT

UID

040000008200E00074C5B7101A82E00800000000306668E8FEFED2010000000000000000100000
00DB4F46C0EBF8F74F8376308F63FEB146

Summary

Meeting with Brian Jennings, Executive VP of ACE toDiscuss Biofuel Priorities

Location

DCRoomARN3500/OPEI

Status

CONFIRMED

Sequence Number

0

**Meeting with Brian Jennings, Executive VP of ACE toDiscuss
Biofuel Priorities
DCRoomARN3500/OPEI
20170719T193000Z
CONFIRMED**

Version

2.0

PRODID

Spark

CALSCALE

GREGORIAN

METHOD

REPLY

Start Date/Time

20170719T193000Z

End Date/Time

20170719T200000Z

DTSTAMP (VALUE=DATE-TIME)

20170717T182859Z

ORGANIZER (CN=Dravis, Samantha)

MAILTO:dravis.samantha@epa.gov

Attendee

MAILTO:jonathon@americancapitolgroup.com

Role REQ-PARTICIPANT

UID

040000008200E00074C5B7101A82E00800000000306668E8FEFED2010000000000000000100000
00DB4F46C0EBF8F74F8376308F63FEB146

Summary

Meeting with Brian Jennings, Executive VP of ACE toDiscuss Biofuel Priorities

Location

DCRoomARN3500/OPEI

Status

CONFIRMED

Sequence Number

0

To: Clint Woods[cwoods@csg.org]
From: Clint Woods
Sent: Thur 9/7/2017 5:37:32 PM
Subject: AAPCA Fall Meeting Presentation Details/Reminders
AAPCA 2017 Fall Business Meeting - DRAFT Agenda -9-7-17.pdf

AAPCA Fall Business Meeting Presenters,

Thanks again for your participation at the upcoming Association of Air Pollution Control Agencies' (AAPCA) 2017 Fall Business Meeting. The meeting will be held September 20 – 22 in Raleigh, North Carolina, at the DoubleTree by Hilton Hotel Raleigh - Brownstone - University. This email is to provide an updated agenda (attached) and a reminder about some key logistics for the meeting, which are included below.

- Biography. Please send a 1 – 2 paragraph biography to jsloan@csg.org by **6:00 PM Eastern this Friday, September 8**. These biographies will be provided to all attendees with other meeting materials.
- Agenda & Session Information. Attached to this email is the current working agenda for the Fall Business Meeting. AAPCA members will be serving as moderators and providing a brief introduction to each panel/presentation. Please let me know if there are any necessary changes to your title or the title of your session by **6:00 PM Eastern this Friday, September 8**.
- Presentation Materials. At the meeting, AAPCA will have a computer, screen package, podium, and head table with two microphones. Please provide a copy of any slides or presentation materials to jsloan@csg.org by **6:00 PM Eastern on Friday, September 15**. Please also let us know as soon as possible if you will need video, sound or internet capability for your presentation, or if there are any restrictions on placing slides or other presentation materials on AAPCA's website.
- Registration. If you have not already registered for AAPCA's Fall Business Meeting, please do so under the category of "Speaker." The registration page should be available until September 15, and this will ensure we have the correct information for meeting materials. Please contact me with any questions or concerns regarding registration or hotels (additional hotel information is also available here).

As a reminder, the topical session on long-term and succession planning (1:00 – 3:25 PM) and Opening Reception (6:00 PM) on September 20 are open to all governmental and non-governmental participants, as is all programming on September 21, which will run from 8:00 AM until 5:30 PM. The sessions on September 22, scheduled from 8:00 AM until 12:30 PM, are limited to state, local, and federal attendees. All sessions are

closed press. We will send out a registration list, final agenda, and other meeting details one week in advance of the meeting, but we are expecting more than 100 participants during open sessions, including approximately 60 senior officials from more than two dozen state and local air agencies and more than 30 participants from throughout U.S. EPA and other federal agencies.

Please let me know if you have any other questions, suggestions, or if there is anything else we can do to help facilitate your participation – Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

<http://www.cleanairact.org>



ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina



AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

Working Agenda (outline as of 9/6/2017)

Wednesday, September 20 (Washington/Jefferson Room, 2nd Floor, unless otherwise noted)

10:00 AM – 5:30 PM **Registration**, Washington/Jefferson Room Foyer, 2nd Floor

1:00 – 3:25 PM **Topical Session: Long-term and Succession Planning** – *Moderated by Lynne Liddington, Knox County Air Quality Management*
(open to all attendees)

- Brenda Holmes, City of Winston-Salem, Human Resources Department
- Rachael Hamilton, Louisville APCD
- Renu Chakrabarty, West Virginia DEP
- Preston McLane, Florida DEP
- Michelle McClendon, U.S. EPA Office of Human Resources [Tentative]

3:30 – 5:30 PM **AAPCA Air Directors/Board Business Session**
(Board members or their designees)

6:00 – 7:15 PM **Opening Reception** (cash bar and hors d'oeuvre; open to all attendees),
Harvest Grille (Lobby Level)

Thursday, September 21 (All sessions held in the Washington/Jefferson Room, 2nd Floor, unless otherwise noted, and **open to all attendees**)

8:00 AM **Breakfast Buffet**, Washington/Jefferson Room Foyer, 2nd Floor

8:30 AM **Welcome/Opening Remarks**

- Sheila Holman, Assistant Secretary for the Environment, North Carolina DEQ, and AAPCA Leadership

8:45 – 9:45 AM **2017 AAPCA Best Practice Presentations** – *Moderated by Bob Hodanbosi, Ohio EPA*

9:45 – 10:30 AM **EPA Air and Radiation Priorities/Ozone Cooperative Compliance Task Force** – *Moderated by Stuart Spencer, Arkansas DEQ*

- Mandy Gunasekara, U.S. EPA, Senior Advisor for Air and Radiation

10:30 – 10:45 AM Break

10:45 – 11:30 AM **NAAQS/SIP/Permitting Updates** – *Moderated by Sean Alteri, Kentucky DAQ*

- Anna Marie Wood, U.S. EPA, Air Quality Policy Division



AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

- 11:30 – 12:30 PM **Future of Interstate Transport** – *Moderated by Mike Abraczinskas, North Carolina DAQ*
- Gregory Stella, Alpine Geophysics, LLC
 - Chip Merriam, Orlando Utilities Commission
 - James Johnston, Tennessee DEC
 - Sean Alteri, Kentucky DAQ
- 12:30 – 1:30 PM **Lunch with Keynote Speaker, Roosevelt Room (2nd Floor)** – *Introduction by Keith Baugues, Indiana DEM*
- Keith Belton, Manufacturing Policy Initiative, Indiana University School of Public and Environmental Affairs
- 1:30 – 2:15 PM **Clean Air Act Legal Updates** – *Moderated by James Johnston, Tennessee DEC*
- Carroll "Mack" W. McGuffey III, Troutman Sanders LLP
- 2:15 – 3:15 PM **Modeling & Monitoring Updates** – *Moderated by Chuck Hyatt, North Dakota DOH*
- Chet Wayland, U.S. EPA, Air Quality Assessment Division
 - Tyler Fox, U.S. EPA, Air Quality Assessment Division
 - Neilson Watkins, U.S. EPA, Air Quality Assessment Division
- 3:15 – 3:30 PM Break
- 3:30 – 4:45 PM **Other U.S. EPA Office Updates** – *Moderated by Steve Hagle, Texas CEQ*
- Office of Enforcement and Compliance Assurance Updates
 - Patrick Traylor, Deputy Assistant Administrator
 - Office of Research & Development Updates
 - Richard Yamada, Deputy Assistant Administrator
 - Office of Inspector General Overview and Current Work
 - James L. Hatfield, Director, Air Evaluations
- 4:45 – 5:30 PM **SO₂ Modeling vs. Monitoring Issues & Designations** – *Moderated by Preston McLane, Florida DEP*
- Anna Marie Wood and Chet Wayland, U.S. EPA, Office of Air Quality Planning and Standards
 - Dale Hurst, Alabama DEM
 - Stuart Spencer, Arkansas DEQ

Dinner on your own



ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

Friday, September 22 (All sessions held in the Washington/Jefferson Room, 2nd Floor, unless otherwise noted, and **Closed session**, limited to AAPCA members and governmental attendees)

- 8:00 – 8:45 AM **Committee Breakout Breakfast**, Lincoln Room (2nd Floor)
- 8:45 – 9:15 AM **Combined Air Emissions Reporting Updates**
- Tammy Manning, North Carolina DEQ
 - Joseph Mangino, U.S. EPA, Air Quality Assessment Division
- 9:15 – 10:00 AM **Regulatory Reform Roundtable** – *Moderated by Marc Cone, Maine DEP*
- Samantha Dravis, U.S. EPA, Senior Policy Counsel to the Administrator and Associate Administrator for Policy
 - Brittany Bolen, U.S. EPA, Senior Deputy Associate Administrator, Office of Policy
- 10:00 – 10:10 AM Break
- 10:10 – 11:00 AM **U.S. EPA Regional Roundup** – *Moderated by Vivian Aucoin, Louisiana DEQ*
- Carol Kemker, Deputy Director, Air, Pesticides, and Toxics Management Division, U.S. EPA Region 4
 - Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch, U.S. EPA Region 5
 - Wren Stenger, Director, Multimedia Division, U.S. EPA Region 6
 - Matthew Lakin, Acting Deputy Director, Air Division, U.S. EPA Region 9
- 11:00 – 11:40 AM **White House Council on Environmental Quality Updates** – *Moderated by Melissa Fortenberry, Mississippi DEQ*
- Mary Neumayr, Chief of Staff
- 11:40 – 12:25 PM **Member Roundtable: Doing More With the Same (Or Less)?: Air Agency Organization & Efficiency** – *Moderated by Minor Barnette, Forsyth County Office of Environmental Assistance and Protection*
- Nancy Vehr, Wyoming DEQ
 - Preston McLane, Florida DEP
 - Karen Hays, Georgia EPD
 - Rhonda Thompson, South Carolina DHEC
- 12:30 PM **AAPCA Members-Only Lunch**, Lincoln Room (2nd Floor)
- Meeting Debrief

To: EPA Smart Sectors[sectors@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Jennifer Gibson
Sent: Mon 10/2/2017 8:16:44 PM
Subject: EPA Chemicals Smart Sector

Good Afternoon.

I am writing on behalf of the National Association of Chemical Distributors (NACD) to express our interest in participating in the Chemical Manufacturing Smart Sector.

NACD is an international association of nearly 440 chemical distributors and their supply-chain partners. NACD members represent more than 85% of the chemical distribution capacity in the nation and generate 93% of the industry's gross revenue. NACD members, operating in all 50 states through nearly 1,800 facilities, are responsible for more than 155,000 direct and indirect jobs in the United States. NACD members are predominantly small regional businesses, many of which are multi-generational and family owned.

NACD members meet the highest standards in safety and performance through mandatory participation in NACD Responsible Distribution[®], the association's third-party-verified environmental, health, safety, and security program. Through Responsible Distribution, NACD members demonstrate their commitment to continuous performance improvement in every phase of chemical storage, handling, transportation, and disposal operations.

The chemical distribution industry is heavily regulated by numerous agencies, including EPA. While the majority of these regulations are necessary for the business of handling hazardous chemicals, some of the rules are overly burdensome and do little, if anything, to protect health and the environment. In addition, it is a challenge to stay on top of all the regulations and changes, particularly for small businesses who do not have dedicated staff to read the *Federal Register* every day.

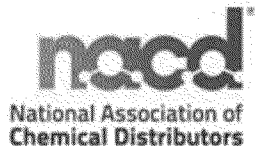
NACD welcomes the opportunity to build a more productive relationship with EPA, to provide expertise to the agency regarding the chemical distribution sector, and to participate in the planning of future policies and regulations. commends EPA for exploring ways to relieve the regulatory burden while continuing to protect the environment.

Please let me know how NACD can become involved in the Smart Sectors program. We also understand there is a Smart Sectors launch event planned for Tuesday, October 3 and would also like to participate in that if possible.

Thank you.

Jennifer C. Gibson
Vice President, Regulatory Affairs

National Association of
Chemical Distributors
(NACD)



1560 Wilson Blvd., Suite
1100
Arlington, VA 22209

(703) 527-6223 x3047 --
Main Line

(703) 527-7747 - Fax

(571) 482-3047 - Direct

jgibson@nacd.com



To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; DeMocker, Jim[DeMocker.Jim@epa.gov]; cookleila@ymail.com[cookeila@ymail.com]; Charmley, William[charmley.william@epa.gov]
From: Cyran, Carissa
Sent: Mon 8/14/2017 8:00:14 PM
Subject: RE: Revised letter to trailer petitioners

OAR has signed off on the letter and it's moving to OEX now.

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 3:58 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; cookleila@ymail.com; Charmley, William <charmley.william@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Great – thank you for the update.

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 11:41 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; cookleila@ymail.com; Charmley, William <charmley.william@epa.gov>
Subject: RE: Revised letter to trailer petitioners

No—we haven't sent that but I spoke with Bill Charmley (cc'd today) and he's working on the revised version now.Ben

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 11:38 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; coogleila@ymail.com
Subject: RE: Revised letter to trailer petitioners

Have you sent the draft gliders letter?

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 11:36 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; coogleila@ymail.com
Subject: RE: Revised letter to trailer petitioners

Got it—we will be moving it through OAR. Ben

From: Dravis, Samantha
Sent: Monday, August 14, 2017 11:05 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: Re: Revised letter to trailer petitioners

OAR needs to send it through the process and I will autopen it

Sent from my iPhone

On Aug 14, 2017, at 10:58 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Great- let's get this letter processed. I'd like to have it teed up for signature tomorrow morning.

Sent from my iPhone

On Aug 14, 2017, at 10:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

This looks good to me, thanks.

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 9:04 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

I added on additional edit. Brittany, do you have any edits?

From: Baptist, Erik
Sent: Monday, August 14, 2017 8:58 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Mandy and Ben,

Attached please find a couple minor suggested edits.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin

Sent: Friday, August 11, 2017 1:56 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka,
Mark <Kataoka.Mark@epa.gov>

Subject: Revised letter to trailer petitioners

Erik and Mandy:

Attached is a revised letter to the trailer petitioners for your review, pursuant to our discussion yesterday. We'll send you a revised glider response to petitioners early next week.

Thanks,

Ben

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Billy Johnson[BillyJohnson@isri.org]; David Waggoner[DavidWaggoner@isri.org]; Mark Reiter[MarkReiter@isri.org]; Adina Renee Adler[aadler@isri.org]; Strobel, Kristin[KStrobel@bgrdc.com]; Mark Lewon[mark@umw.com]
From: Robin Wiener
Sent: Thur 6/22/2017 1:25:05 PM
Subject: Thank you
2017.05 One Page Summary of National Sword and Potential Ban rkw edits.dotx

Samantha

Thank you so much for taking the time to join us yesterday and sharing Administrator Pruitt's priorities for EPA. Everyone enjoyed the opportunity to talk with you. We were all especially grateful for your having reviewed our written comments and listening to our priority issues for regulatory reform. It was very clear from your remarks that this Administration is doing its best to listen and try to address the concerns of industry. Thank you!

As promised, attached is the electronic version of ISRI's one-pager describing the Chinese threat of an import ban on scrap commodities. With \$5.6 billion of scrap exported from the US to China last year, supporting tens of thousands of jobs, I am sure you can understand why we are concerned. I appreciate your offer to bring this to the attention of the appropriate offices within the White House. Please also let me know who I should follow up with.

We look forward to following up with you very soon to set up a meeting to flesh out our issues. Again, thank you for your time, and your willingness to listen!

Robin

Robin K Wiener

President, Institute of Scrap Recycling Industries

1250 H St., NW, Suite 400 | Washington, DC 20005 | (202) 662-8512 |
www.isri.org | www.ISRISafety.org



Potential Ban on Imports of Scrap Commodities into China

ISSUE: Within the next several weeks, the Chinese government plans on announcing a 6 month to 5 year timetable for banning imports of scrap plastic, paper and metals. While there has not yet been any official information announced with details regarding the ban, Chinese government contacts confirm such a policy is under consideration. With more than \$5.6 billion in scrap commodities exported from the U.S. to China last year alone, the trade in specification-grade scrap commodities – metals, paper and plastics – between the United States and China is of critical importance to the health and success of the U.S.-based recycling industry. If implemented, a ban on scrap imports will result in the loss of tens of thousands of jobs and the closure of many recycling businesses throughout the U.S.

BACKGROUND: On April 18, Xinhua News reported that the Central Government Reform Enforcement Taskforce overseen by President Xi Jinping approved a resolution that will expand the list of prohibited “solid waste” materials for import into China. Unfortunately, in China, the terms for “scrap” and “waste” are the same, thus it was not immediately clear whether scrap commodities were being targeted, or if the intention was to stop shipments of true waste materials, an effort which ISRI and the recycling industry fully supports. Most recently ISRI learned that the Chinese Ministry of Environmental Protection (MEP) has been tasked with updating its “waste import catalogues” to expand on the current lists of prohibited waste materials **and that commodity-grade metals, paper and plastics are being considered for inclusion as early as the end of this year.** ISRI and its members are, naturally, extremely worried about its continued access to the Chinese market.

IMPACT: The scrap recycling industry is often referred to as the first link in the global manufacturing supply chain. Recycled materials are key inputs into the production of new, usable commodities for the use in value-add production. In any given year, approximately 1/3rd of the scrap recycled in the U.S. is prepared for shipment to the export market, and China is the recycling industry’s largest customer. China imported more than 17 million tons of high quality, specification-grade scrap metal, paper and plastic commodities valued at \$5.6 billion from the U.S. last year. This includes:

- Ferrous: 780k tons, \$519 million
- Copper: 684k tons, \$1.4 billion
- Aluminum: 736k tons, \$976 million
- Paper: 13.2 million tons, \$1.92 billion
- Plastics: 1.42 million tons, \$494.5 million

More than 133,000 direct and indirect jobs are supported by the U.S. industry’s export activities, earning an average wage of almost \$76,000 and contributing more than \$3 billion to federal state and local taxes. In all, the Chinese market accounts for 40% of U.S. export activity; thus, a ban on imports of scrap commodities into China would be catastrophic to the entire U.S.-based industry.

COUNTER-ARGUMENTS: In its drive for a cleaner environment and strong economy, scrap commodities are integral to the manufacturing supply chain. Nearly 50% of Chinese metal product exports were made from imported scrap metals. Revenue from value-added taxes, tariffs and fees totaling RMB 1 trillion (US\$150 billion) will be lost from a prohibition on plastic scrap imports. Furthermore, the use of scrap commodities saves as much as 150 million tons of CO₂ emissions. Recycling in China is still in nascent stages, and we believe demand for high-quality scrap commodity imports by the Chinese manufacturing sector will continue to be strong for the foreseeable future.

Institute of Scrap Recycling Industries, Inc.

1250 H Street NW, Suite 400 • Washington, DC 20005-5903 • Tel: (202) 662-8500 • Fax: (202) 626-9256 • ISRI.org

To: Wingo-Huntley, Deloris[Wingo-Huntley.Deloris@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]
From: EPA@BCDTRAVEL.COM
Sent: Tue 8/1/2017 1:04:02 PM
Subject: Final Notice: Authorization Required: Travel for DRAVIS/SAMANTHA K * Travel date – 02Aug17 * REF: J1L6L6

Name: DRAVIS/SAMANTHA K
Locator: J1L6L6
Travel Date: 02Aug
Booking PCC: 2F8M

We have not received your authorization to travel for the trip referenced below. The airline cancels reservations that are not ticketed 48 hours in advance of departure. If you intend to go on this trip, you must rebook the trip and receive your authorization to travel as soon as possible.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA04SKJ

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
08/02/2017 DCA- DL 714 Confirmed 06:05 AM/07:36 AM Economy / T
DTW
08/02/2017 DTW- DL 917 Confirmed 08:26 AM/09:39 AM Economy / T
IND
08/02/2017 EVV- DL 3410* Confirmed 04:50 PM/07:20 PM Economy / L
DTW
08/02/2017 DTW- DL 2103 Confirmed 08:25 PM/09:34 PM Economy / T
DEN
08/04/2017 DEN- DL 1517 Confirmed 06:22 AM/11:22 AM Economy / T
ATL
08/04/2017 ATL- DL 2349 Confirmed 12:07 PM/01:58 Economy / T

DCA

PM

Delta Air Lines Flight DL714 Economy

[Online check-in](#)

Depart: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
06:05 AM Wednesday, August 2 2017

[Weather](#)

Arrive: Wayne County, EM - E.M. McNamara
Terminal
Detroit, Michigan, United States
07:36 AM Wednesday, August 2 2017

[Weather](#)

Duration: 1 hour(s) and 31 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Boeing (Douglas) MD-90
Seat: 15B (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs

Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

Delta Air Lines Flight DL917 Economy

[Online check-in](#)

Depart: Wayne County, EM - E.M. McNamara
Terminal
Detroit, Michigan, United States
08:26 AM Wednesday, August 2 2017

[Weather](#)

Arrive: Indianapolis International Airport
Indianapolis, Indiana, United States

[Weather](#)

.
Duration: 1 hour(s) and 13 minute(s) Non-stop
Total duration: **3 hour(s) and 34 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Boeing 717-200
Seat: 15C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 231 miles / 371.679 kilometers
CO2 Emissions: 127.05 lbs/57.75 kgs
.

.
Delta Air Lines Flight DL3410 Economy

[Online check-in](#)

.
Depart: Dress Regional
Evansville, Indiana, United States
04:50 PM Wednesday, August 2 2017
Arrive: Wayne County, EM - E.M. McNamara
Terminal
Detroit, Michigan, United States
07:20 PM Wednesday, August 2 2017

[Weather](#)

[Weather](#)

.
Duration: 1 hour(s) and 30 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Canadair Regional Jet
*Operated By: Endeavor Air Dba Delta Connection
Seat: 10D (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 363 miles / 584.067 kilometers
CO2 Emissions: 159.72 lbs/72.6 kgs
.

.
Delta Air Lines Flight DL2103 Economy

[Online check-in](#)

.
Depart: Wayne County, EM - E.M. McNamara

[Weather](#)

Terminal
Detroit, Michigan, United States
Arrive: ~~08:25 PM Wednesday, August 2 2017~~ [Weather](#)
Denver, Colorado, United States
09:34 PM Wednesday, August 2 2017
.
Duration: 3 hour(s) and 9 minute(s) Non-stop
Total duration: **5 hour(s) and 43 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Meal: Refreshments for Purchase
Equipment: Boeing 737-900 Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 1119 miles / 1800.471 kilometers
CO2 Emissions: 492.36 lbs/223.8 kgs
.

Delta Air Lines Flight DL1517 Economy [Online check-in](#)
.
Depart: Denver International [Weather](#)
Denver, Colorado, United States
06:22 AM Friday, August 4 2017
Arrive: Hartsfield-Jackson ATL, S - Terminal South [Weather](#)
Atlanta, Georgia, United States
11:22 AM Friday, August 4 2017
.
Duration: 3 hour(s) and 0 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX

Meal: Refreshments for Purchase
Equipment: Boeing (Douglas) MD-90
Seat: 20C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 1196 miles / 1924.364 kilometers
CO2 Emissions: 526.24 lbs/239.2 kgs
.

Delta Air Lines Flight DL2349 Economy

[Online check-in](#)

Depart: Hartsfield-Jackson ATL, S - Terminal South
Atlanta, Georgia, United States

[Weather](#)

Arrive: ~~2:07 PM Friday, August 4, 2017~~
Washington, District of Columbia, United States
01:58 PM Friday, August 4 2017

[Weather](#)

Duration: 1 hour(s) and 51 minute(s) Non-stop
Total duration: **5 hour(s) and 36 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: GRZRBX
Equipment: Airbus Industrie A321
Seat: 20C (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 546 miles / 878.514 kilometers
CO2 Emissions: 240.24 lbs/109.2 kgs

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
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FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

Email generated on 01Aug/1:03 PM UTC

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To: Burhop, Anna[anna_burhop@americanchemistry.com]
Cc: aburhop@gmail.com[aburhop@gmail.com]
From: Burhop, Anna
Sent: Thur 7/27/2017 8:00:20 PM
Subject: Thank You

As most of you know by now, today is my last day at ACC. I have accepted a position with Bracewell LLP's Policy Resolutions Group covering energy, environment, and natural resources policy. It has been a pleasure working with all of you, and I look forward to our paths crossing again in the future.

Starting on July 28, please contact Brendan Mascarenhas (Brendan_Mascarenhas@americanchemistry.com, 202.249.6423) or Mike Walls (mike_walls@americanchemistry.com, 202.249.6400) for ACC environment matters.

I will share my new contact information when I have it. In the meantime, you can always reach me at aburhop@gmail.com.

All the best,

Anna

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To: Davis, Gail[Davis.Gail@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Fri 8/18/2017 2:03:48 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA04VK0

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
08/31/2017 DCA- DL 1726 Confirmed 05:32 PM/08:15 PM Business / D
LAX
08/31/2017 LAX- DL 41 Confirmed 10:46 PM/06:50 AM +2 Business / D
SYD
09/04/2017 SYD- QF 1525* Confirmed 06:45 PM/07:45 PM Business / J
CBR
09/06/2017 CBR- DL 6796* Confirmed 06:00 AM/07:00 AM Economy / Y
SYD
09/06/2017 SYD- DL 40 Confirmed 11:15 AM/08:05 AM Business / D
LAX

09/06/2017 LAX-
DCA

Delta Air Lines Flight DL1726 Business

Depart: Ronald Reagan National, Terminal B Weather
Washington, District of Columbia, United States
05:32 PM Thursday, August 31 2017

Arrive: Los Angeles International Airport, Terminal 2 Weather
Los Angeles, California, United States
08:15 PM Thursday, August 31 2017

Duration: 5 hour(s) and 43 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX

Meal: Dinner
Equipment: Boeing 757-200 (winglets) Passenger
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 2304 miles / 3707.136 kilometers
CO2 Emissions: 861.7 lbs/391.68 kgs

Delta Air Lines Flight DL41 Business

Depart: Los Angeles International Airport, Terminal 2 Weather
Los Angeles, California, United States
10:46 PM Thursday, August 31 2017

Arrive: Kingsford Smith, 1 - Terminal 1 (International) Weather
Sydney, New South Wales, Australia
06:50 AM Saturday, September 2 2017

Duration: 15 hour(s) and 4 minute(s) Non-stop

Total duration:
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 11A (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs

Qantas Airways Flight QF1525 Business

Depart: Kingsford Smith, 3 - Terminal 3 (Qantas Domestic)
Sydney, New South Wales, Australia
06:45 PM Monday, September 4 2017
Arrive: Canberra Airport
Canberra, Capital Territory, Australia
07:45 PM Monday, September 4 2017

Duration: 1 hour(s) and 0 minute(s) Non-stop
Status: Confirmed - Qantas Airways Record Locator: J9PDT5

Meal: Refreshment
Equipment: Boeing 717-200
*Operated By: Qantaslink - National Jet Systems
Seat: Assigned at Check-in
Distance: 147 miles / 236.523 kilometers
CO2 Emissions: 80.85 lbs/36.75 kgs

Delta Air Lines Flight DL6796 Economy

Depart: Canberra Airport
Canberra, Capital Territory, Australia
06:00 AM Wednesday, September 6 2017

Arrive: Kingsford Smith, 2 - Terminal 2 (Domestic)
Sydney, New South Wales, Australia
07:00 AM Wednesday, September 6 2017

Duration: 1 hour(s) and 0 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Snack or Brunch
Equipment: ATR 72
*Operated By: Virgin Australia
Seat: Assigned at Check-in
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 147 miles / 236.523 kilometers
CO2 Emissions: 80.85 lbs/36.75 kgs

Delta Air Lines Flight DL40 Business

Depart: Kingsford Smith, 1 - Terminal 1 (International)
Sydney, New South Wales, Australia
11:15 AM Wednesday, September 6 2017
Arrive: Los Angeles International Airport, Terminal 2
Los Angeles, California, United States
08:05 AM Wednesday, September 6 2017

Weather

Weather

Duration: 13 hour(s) and 50 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 11A (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs

.
Alaska Airlines Flight AS6 Economy

.
Depart: Los Angeles International Airport, Terminal 6
Los Angeles, California, United States
~~Round Trip Wednesday, September 6, 2017~~
Arrive: Washington, District of Columbia, United States
08:44 PM Wednesday, September 6 2017

Weather

Weather

.
Duration: 5 hour(s) and 14 minute(s) Non-stop
Total duration: **28 hour(s) and 43 minute(s) including layover(s)**
Status: Confirmed - Alaska Airlines Record Locator: PPCPIZ
Meal: Food For Purchase, Food For Purchase
Equipment: Boeing 737-800 (winglets) Passenger
Seat: Assigned at Check-in
Distance: 2304 miles / 3707.136 kilometers
CO2 Emissions: 861.7 lbs/391.68 kgs
.

.
FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/_CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

TICKET IS NON REFUNDABLE/NON TRANSFERABLE.
CHANGES SUBJECT TO PENALTIES PLUS FARE INCREASE.
SOME CARRIERS REQUIRE CANCELLATION PRIOR TO DEPARTURE
OR YOUR TICKET MAY HAVE NO VALUE. CALL THE TRAVEL OFFICE
FOR CHANGES OR CANCELLATION OF THIS TRIP

CHECK WWW.CDC.GOV/TRAVEL FOR TRAVEL HEALTH ADVISORIES
 PROPER DOCUMENTATION IS REQUIRED FOR ENTRY INTO
 ARRIVAL COUNTRY
 CHECK WWW.DHS.GOV/TRAVEL-ALERTS
 FOR COUNTRY TRAVEL ADVISORIES

18Aug/09:03AM

TRAVELER NOTICE – Please check with your carrier(s) for travel documents required (Passport, VISA, etc.) and security requirements regarding permitted and prohibited articles and goods related to your travel.

| Air | Car | Hotel | Rail | Other |
|---|------------------------|--------------------------------------|-------------------------------------|--------------------|
| 9,666.86 USD | | | | |
| | | | | |
| Vendor | Fare information | Refund restrictions before departure | Change restrictions after ticketing | Ticket information |
| Air
DL1726 31Aug
DL41 31Aug
DL6796*
06Sep
DL40 06Sep
AS6 06Sep | Total:
USD 8,968.76 | REFUND
RESTRICTIONS
MAY APPLY | CHANGE
RESTRICTIONS
MAY APPLY | |
| Air
QF1525*
04Sep | Total:
USD 698.10 | REFUND
RESTRICTIONS
MAY APPLY | CHANGE
RESTRICTIONS
MAY APPLY | |
| All quotes are provider quotes excluding possible taxes and charges en route.
Currency conversions shown in
this itinerary receipt are done using the bank rate applicable at the date shown in the
header of this document. Please note that some local taxes and charges may be
invoiced during your trip and cannot be shown at time of reservation. | | | | |

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items **MUST** be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 18Aug/2:03 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Derrick Hollie
Sent: Thur 9/14/2017 5:14:49 PM
Subject: ATR Coalitions Meeting/ Reaching America
REACHING AMERICA_RICHMOND WITH TAG.mp3

Samantha,

It was a pleasure meeting yesterday at the ATR Coalitions meeting. FYI- spoke with Hubbel Relat this morning and he says “hi” and to let you know we’ve been working together.

Following up on our conversation about Secretary Pruitt’s new direction on energy policy for our country. Our messages are aligned and I wanted to let you know what Reaching America has been doing regarding Energy and Energy Poverty. We’ve been able to humanize energy and the importance of fossil fuels to our country.

Founded in 2015, Reaching America is a 501(c)(4) addressing complex social issues impacting the African American community. We’re focused on solutions that makes sense for a more united America. Our nation is divided right now with racial tension elevated to levels we experienced in the sixties and seventies. Reaching America has positioned itself as a leader in addressing issues affecting African Americans in our country including Energy and Energy Poverty, Education, Criminal Justice Reform, Occupational Licensing Reform and Community Relations. We accomplish this by utilizing grass root efforts, social media, traditional media and PR.

Over the past several months we’ve done education and outreach events around the impact of Energy Poverty in the African American Community. These events include panel discussions on how the right mix of energy including fossil fuels can improve people’s lives. The message continues to be well received and through polling we’ve seen firsthand people’s attitude and perception change about fossil fuels.

Attached is a :60 radio spot that addresses energy poverty and the abundance of affordable and reliable energy we have in America. The radio spot has aired in several markets including Atlanta GA, Richmond VA and Orlando FL.

Below are links to op-eds written by Reaching America on Energy.

The Huffington Post “*Withdrawing From The Paris Climate Accord Helps Low-Income and Minority Americans*”

http://www.huffingtonpost.com/entry/withdrawing-from-the-paris-climate-accord-helps-low_us_59400cebe4b094fa859f1bf2

The Huffington Post “*An Ethanol Mandate Increase Would Be Bad News For Black America*”. I also testified at the EPA hearing in July about the unintended consequences associated with an ethanol increase.

http://www.huffingtonpost.com/entry/an-ethanol-mandate-increase-would-be-bad-news-for-black_us_5983400ae4b094ff5a3f0c53

The Springfield News Gazette “*Protecting Missouri’s Poor From Energy Poverty*” This op-ed was picked up by other outlets including the Indy Star, the Des Moines Registry and Knoxville News Sentinel. This shows Energy Poverty does not have a color and impacts every community.

<http://www.news-leader.com/story/opinion/readers/2017/06/14/protecting-missouris-poor-energy-poverty/389517001/>

Thank you for your time and look forward to discussing how we can continue educating Americans on policies that will make our country energy independent.

Regards,

Derrick Hollie

President

Reaching America

301-523-8559 direct

ReachingAmerica.org

To: Owens, James (OST)[James.Owens@dot.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Greenhaus, Doug
Sent: Tue 9/19/2017 1:06:35 PM
Subject: Couple of Documents
[Air Resources Board - Comment.pdf](#)
[02-25-Metropolitan-Taxicab-Opinion-below.pdf](#)

1. CARB comments on NHTSA EIS. See “related to” language on p. 8.
2. NYC taxi cab decision. Cert denied.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

August Term 2009

(Argued: January 22, 2010 Decided: July 27, 2010)
Docket No. 09-2901-cv

-----x
METROPOLITAN TAXICAB BOARD OF TRADE; MIDTOWN CAR LEASING
CORP.; BATH CAB CORP.; RONART LEASING CORP.; GEID CAB
CORP.; LINDEN MAINTENANCE CORP.; and ANN TAXI, INC.,

Plaintiffs-Appellees,

MIDTOWN OPERATING CORP., SWEET IRENE TRANSPORTATION CO.
INC., OSSMAN ALI, and KEVIN HEALY,

Plaintiffs,

-- v. --

CITY OF NEW YORK; MICHAEL R. BLOOMBERG, in his official
capacity as Mayor of the City of New York; THE NEW YORK
CITY TAXICAB & LIMOUSINE COMMISSION; MATTHEW W. DAUS, in
his official capacity as Commissioner, Chair, and Chief
Executive Officer of the TLC; PETER SCHENKMAN, in his
official capacity as Assistant Commissioner of the TLC
for Safety & Emissions; ANDREW SALKIN, in his official
capacity as First Deputy Commissioner of TLC,

Defendants-Appellants.

-----x
B e f o r e : WALKER, STRAUB, and LIVINGSTON, Circuit
Judges.

The City of New York, the New York City Taxicab & Limousine
Commission, and City officials appeal the grant of a preliminary
injunction by the United States District Court for the Southern
District of New York (Paul A. Crotty, Judge), that enjoined the
enforcement of the City's recently amended lease rates for

1 taxicabs on the basis that the new rules are likely preempted
2 under the Energy Policy and Conservation Act ("EPCA"), 49 U.S.C.
3 § 32919(a), and the Clean Air Act ("CAA"), 42 U.S.C. § 7543(a).
4 We conclude that the preliminary injunction was appropriate and
5 therefore AFFIRM.

6 ELIZABETH S. SAYLOR,
7 (Richard D. Emery and
8 Matthew D. Brinckerhoff,
9 on the brief), Emery
10 Celli Brinckerhoff &
11 Abady LLP, New York, NY,
12 for Plaintiffs-Appellees.
13

14 SUSAN PAULSON (Francis F.
15 Caputo, Michael A.
16 Cardozo, Ramin Pejan, and
17 Adam Stolorow, on the
18 brief), Corporation
19 Counsel of the City of
20 New York, for Defendants-
21 Appellants.
22

23 MARK B. STERN, Attorney,
24 Appellate Staff, Civil
25 Division, Department of
26 Justice, Washington, D.C.
27 (Robert S. Rivkin,
28 General Counsel,
29 Department of
30 Transportation; Scott
31 Fulton, General Counsel,
32 Environmental Protection
33 Agency; Tony West and
34 Ignacia S. Moreno,
35 Assistant Attorneys
36 General; Preet Bharara,
37 United States Attorney
38 for the Southern District
39 of New York; Jean-David
40 Barnea, Assistant United
41 States Attorney; R.
42 Justin Smith and Peter
43 McVeigh, Attorneys,

1 Environment and Natural
2 Resources Division; H.
3 Thomas Byron, III,
4 Attorney, Appellate
5 Staff, Civil Division,
6 Department of Justice, on
7 the brief), for the
8 United States as Amicus
9 Curiae.

10
11 JOHN M. WALKER, JR., Circuit Judge:
12

13 The Taxicab & Limousine Commission of New York City ("TLC")
14 and several New York City officials (collectively, "the City")
15 appeal the grant of a preliminary injunction by the United States
16 District Court for the Southern District of New York (Paul A.
17 Crotty, Judge), that enjoined the enforcement of the City's
18 revisions to the maximum lease rates for taxicabs that
19 effectively shifted fuel costs from drivers of fleet taxis to
20 fleet owners to incentivize the use of hybrid-engine and fuel-
21 efficient vehicles. The district court held that the new rules
22 likely related to fuel economy standards and new vehicle
23 emissions and were thus preempted under the Energy Policy and
24 Conservation Act ("EPCA"), 49 U.S.C. § 32919(a), and the Clean
25 Air Act ("CAA"), 42 U.S.C. § 7543(a). Metro. Taxicab Bd. of
26 Trade v. City of N.Y., 633 F. Supp. 2d 83, 105-06 (S.D.N.Y.
27 2009) .

28 **BACKGROUND**

29 In December 2007, the City issued rules requiring that new
30 taxicabs that were put into service on or after October 1, 2008

1 achieve at least 25 city miles per gallon of fuel, and those that
2 were put into service beginning October 1, 2009 achieve 30 city
3 miles per gallon (the "25/30 MPG rule"). In September 2008, the
4 plaintiffs, including the Metropolitan Taxicab Board of Trade and
5 several taxi fleet operators, sued the City, seeking to enjoin
6 the 25/30 MPG rule on the basis that it violated preemption
7 clauses in the EPCA and the CAA.¹ The district court granted a
8 preliminary injunction after determining that the 25/30 MPG rule
9 related to fuel economy standards and was thus preempted by the
10 EPCA. Metro. Taxicab Bd. of Trade v. City of N.Y., No. 08 Civ.
11 7837, 2008 WL 4866021 (S.D.N.Y. Oct. 31, 2008).² The City did
12 not appeal that decision.

13 On March 26, 2009, the City repealed the 25/30 MPG rule, and
14 issued new rules that regulated taxicab "lease caps" - the

¹ The EPCA states, in relevant part: "[A] State or a political subdivision of a State may not adopt or enforce a law or regulation related to fuel economy standards or average fuel economy standards for automobiles covered by an average fuel economy standard under this chapter." 49 U.S.C. § 32919(a).

The CAA states, in relevant part: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part." 42 U.S.C. § 7543(a).

² The district court, having "limited its review to the stated purpose of the rules, as published in the City Record," rejected the plaintiffs' argument under the CAA. Metro. Taxicab, 2008 WL 4866021, at *14. The district court held that the plaintiffs had failed "to show how the 25/30 Rules are a standard relating to the control of emissions from new motor vehicles." Id. (internal quotation marks omitted).

1 maximum dollar amount per shift for which taxis can be leased -
2 to provide incentives for reduced fuel usage and cleaner taxis.
3 Under the new rules, the lease caps for hybrid and "clean diesel"
4 taxis are raised by \$3 per shift.³ 35 RCNY § 1-78(a)(3)(i). At
5 the same time, the new rules reduce the lease caps for
6 non-hybrid, non-clean diesel vehicles, nearly all of which are
7 Ford Crown Victorias, in three phases. The new rules lower the
8 per shift lease caps on the Crown Victorias, except those that
9 are wheelchair accessible, by \$4 on May 1, 2009; by \$8 on May 1,
10 2010; and by \$12 on May 1, 2011. The current baseline lease caps
11 from which these adjustments are made are: \$105 for all day
12 shifts; \$115 for night shifts on Sunday, Monday, and Tuesday;
13 \$120 for night shifts on Wednesday; and \$129 for night shifts on
14 Thursday, Friday, and Saturday. 35 RCNY § 1-78(a)(1). After the
15 third phase is implemented, the lease cap difference between
16 hybrids and Crown Victorias would be \$15 per shift, reflecting
17 the \$3 upward adjustment for the hybrid lease caps and the \$12
18 downward adjustment for the Crown Victoria lease caps. The new
19 rules are designed to effectively shift fuel costs from taxi
20 drivers, who currently pay for fuel, to fleet owners, who

³ A hybrid vehicle for purposes of the new rules is a "commercially available mass production vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner." 35 RCNY § 3-03.1(b). We use the term "hybrid" to encompass both hybrid vehicles as defined under the new rules and vehicles propelled by a "clean diesel" engine.

1 currently make vehicle purchasing decisions without the need to
2 internalize fuel costs.

3 The plaintiffs amended their initial complaint to challenge
4 these new rules and moved for a preliminary injunction against
5 the enforcement of the Crown Victoria lease caps, again citing
6 the preemption provisions of both the EPCA and the CAA. For
7 obvious reasons, the plaintiffs did not challenge the \$3 upward
8 adjustment of the lease caps for hybrid taxis, which benefitted
9 them, and that adjustment went into effect on May 1, 2009.

10 At an evidentiary hearing on the plaintiffs' motion, experts
11 for both sides testified on the economic impact of the new rules
12 on taxi fleet owners. The testimony of the plaintiffs' expert
13 James Levinsohn tended to demonstrate that fleet owners would
14 earn between \$5,500 and \$6,500 less per year for each Crown
15 Victoria leased under the eventual \$12 downward adjustment in
16 comparison to leasing a hybrid under the \$3 upward adjustment.
17 The plaintiffs' expert estimated the current annual profit of
18 leasing a Crown Victoria to be \$8,518 per car per year. Thus,
19 the lease cap reduction would lower profits by 65% to 75% for
20 each Crown Victoria. The City did not challenge this estimated
21 impact on plaintiffs' profits. The City's expert testified,
22 however, that fleet owners could still make a "reasonable rate of
23 return" on their purchase of a Crown Victoria notwithstanding the
24 \$12 downward adjustment.

On June 22, 2009, the district court granted a preliminary injunction on the grounds that the plaintiffs were likely to succeed on their claims that the new rules were preempted under the EPCA and the CAA. The district court accepted the plaintiffs' expert's view of the economic impact of the new rules on fleet owners' profits and concluded that such a severe disparity in the expected profits from leasing a hybrid as compared to a Crown Victoria would leave the fleet owners with no rational alternative to leasing the former and thus amounted to a de facto mandate to purchase hybrid vehicles. The district court found such a mandate to be related to both fuel economy standards and the reduction of vehicle emissions, and thus sufficiently likely to be preempted under the EPCA and the CAA so as to warrant a preliminary injunction.

The City appeals the grant of the preliminary injunction.

DISCUSSION

This Court reviews the grant of a preliminary injunction for abuse of discretion. See Almontaser v. N.Y. City Dep't of Educ., 519 F.3d 505, 508 (2d Cir. 2008) (per curiam); Grand River Enter. Six Nations, Ltd. v. Pryor, 481 F.3d 60, 66 (2d Cir. 2007) (per curiam). "A district court abuses its discretion when it rests its decision on a clearly erroneous finding of fact or makes an error of law." Almontaser, 519 F.3d at 508. In order to justify

1 a preliminary injunction, a movant must demonstrate 1)
2 irreparable harm absent injunctive relief; 2) "either a
3 likelihood of success on the merits, or a serious question going
4 to the merits to make them a fair ground for trial, with a
5 balance of hardships tipping decidedly in the plaintiff's favor,"
6 id.; and 3) that the public's interest weighs in favor of
7 granting an injunction. Winter v. Natural Res. Def. Council,
8 Inc., 129 S. Ct. 365, 374 (2008). "When, as here, the moving
9 party seeks a preliminary injunction that will affect government
10 action taken in the public interest pursuant to a statutory or
11 regulatory scheme, the injunction should be granted only if the
12 moving party meets the more rigorous likelihood-of-success
13 standard." County of Nassau, N.Y. v. Leavitt, 524 F.3d 408, 414
14 (2d Cir. 2008) (brackets and internal quotation marks omitted).
15 In this case, the City's sole challenge to the preliminary
16 injunction is that the plaintiffs are not likely to succeed on
17 their preemption claims.

19 I. Preemption Under the EPCA

20 The EPCA preemption clause states:

21 [A] State or a political subdivision of a State may not
22 adopt or enforce a law or regulation related to fuel
23 economy standards or average fuel economy standards for
24 automobiles covered by an average fuel economy standard
25 under this chapter.

26
27 49 U.S.C. § 32919(a).

1 "Since [preemption] claims turn on Congress's intent, we
2 begin as we do in any exercise of statutory construction with the
3 text of the provision in question, and move on, as need be, to
4 the structure and purpose of the Act in which it occurs." N.Y.
5 State Conference of Blue Cross & Blue Shield Plans v. Travelers
6 Ins. Co., 514 U.S. 645, 655 (1995) (citations omitted). In the
7 context of judging the scope of the preemption provision of the
8 Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §
9 1144(a), the Supreme Court has held that determining whether a
10 state law relates to a preempted subject matter requires
11 examining whether the challenged law contains a "reference" to
12 the preempted subject matter or makes the existence of the
13 preempted subject matter "essential to the law's operation."
14 Cal. Div. of Labor Standards Enforcement v. Dillingham Constr.,
15 N.A., Inc., 519 U.S. 316, 324-25 (1997). If the law contains
16 such a reference or makes the existence of preempted subject
17 matter essential to the law's operation, then that state law is
18 preempted by the federal law. See id. at 325 ("Where a State's
19 law acts immediately and exclusively upon ERISA plans . . . , or
20 where the existence of ERISA plans is essential to the law's
21 operation . . . , that 'reference' will result in
22 [preemption].").⁴

⁴ Even if there is no reference to or essential incorporation of the preempted subject matter, courts must still ask whether the law nevertheless contains requirements that

1 As a threshold matter, we may rely on ERISA preemption
2 precedents such as Travelers and Dillingham because the pertinent
3 language in that statute is virtually identical to the text in
4 the preemption provision of the EPCA, which preempts state laws
5 that are "related to fuel economy standards." Compare 29 U.S.C.
6 § 1144(a), with 49 U.S.C. § 32919(a). Although the same
7 "relate[] to" provision arises in different preemption statutes,
8 we discern no basis for concluding that the meaning of the
9 language in each provision was not intended to be the same. Cf.
10 Travelers Indem. Co. v. Bailey, 129 S. Ct. 2195, 2203 (2009)
11 (noting generally that, "[i]n a statute, 'the phrase "in relation
12 to" is expansive'" and applying that statutory reading to the
13 interpretation of a private settlement agreement). We note that
14 the City itself relies on Travelers in challenging the district
15 court's ruling. See Appellants Br. at 57, 60. For purposes of
16 assessing preemption under the EPCA, the Supreme Court's
17 discussions of the phrase "relate to" in ERISA cases is directly
18 applicable.

19 Thus, our first inquiry in determining whether the new rules

"amount[] to 'connection[s] with'" the preempted subject matter.
Dillingham, 519 U.S. at 328 (second alteration in original)
(quoting Travelers, 514 U.S. at 658). However, because we find
that the City's new rules contain a reference to fuel economy
standards or make fuel economy standards essential to the
operation of those rules, we need not specifically address
whether the new rules have a connection with fuel economy
standards.

1 relate to "fuel economy standards," 49 U.S.C. § 32919(a), is
2 whether they contain a reference to fuel economy standards or
3 make fuel economy standards essential to the operation of those
4 rules. Dillingham, 519 U.S. at 324-25. We conclude that they
5 do.

6 The new rules expressly rely on a distinction between hybrid
7 and non-hybrid vehicles. 35 RCNY § 1-78(a)(3) (providing for the
8 upward and downward lease cap adjustments on hybrid and non-
9 hybrid vehicles, respectively). The requirement that a taxi be a
10 hybrid in order to qualify for the upwardly adjusted lease cap
11 does nothing more than draw a distinction between vehicles with
12 greater or lesser fuel-efficiency. The equivalency of the term
13 "hybrid" with "greater fuel efficiency" for purposes of the new
14 rules is self-evident. First, the EPCA specifically requires the
15 separate consideration of "dual fueled" vehicles, including
16 hybrids, in the determination of national fuel economy standards.
17 See 49 U.S.C. § 32901(a)(1)(J) (defining "electricity" as one
18 form of "alternative fuel"); see also id. § 32905(b) (requiring
19 the Administrator of the Environmental Protection Agency to
20 measure the fuel economy of certain "dual fueled" automobile
21 models in part with reference to the fuel economy of that model
22 when operating on "alternative fuel"). Second, imposing reduced
23 lease caps solely on the basis of whether or not a vehicle has a
24 hybrid engine has no relation to an end other than an improvement

1 in fuel economy across the taxi fleets operating in New York
2 City.

3 Indeed, the City is unable to identify any plausible
4 alternative reason for the imposition of such an engine-based
5 rule. The City argues that the new rules "correct[] a structural
6 problem with the standard vehicle lease arrangement that
7 artificially insulates fleet owners from fuel costs." Appellants
8 Br. at 1. This proffered reason, however, still aims at the
9 improvement of fuel economy, which underlies the "structural
10 problem" relied upon by the City. This argument, moreover,
11 ignores the City's mechanism for its structural correction, which
12 is to shift costs solely on the basis of a vehicle's level of
13 fuel efficiency, i.e., whether the vehicle is a hybrid. Indeed,
14 the City's current list of approved vehicles includes every car
15 approved for use under the now-repealed 25/30 MPG rule. The
16 City's list of approved vehicles under the new rules, with the
17 exception of wheelchair accessible vehicles (which are exempt
18 from the lease cap adjustments) and the Crown Victoria, are
19 either hybrids or achieve at least 25 miles per gallon. See New
20 York City Taxi & Limousine Commission, Taxicab Vehicles in Use,
21 available at <http://www.nyc.gov/html/tlc> (follow "Safety &
22 Emissions" hyperlink; then follow "Taxicab Vehicles In Use"
23 hyperlink) (last visited June 1, 2010). The virtually complete
24 overlap of the approved vehicles under the 25/30 MPG rule and the

1 new rules underlines further that, in furtherance of the City's
2 regulatory purpose, "hybrid" is simply a proxy for "greater fuel
3 efficiency." In sum, the new rules are not applicable to
4 gasoline costs in general, nor are they neutral to the fuel
5 economy of the vehicles to which they apply. Rather, they are
6 directly related to fuel economy standards because they rely on
7 fuel economy, and on nothing else, as the criterion for
8 determining the applicable lease cap.

9 Because the parties appear to have assumed before the
10 district court that the new rules did not directly reference fuel
11 economy standards or incorporate those standards into the new
12 rules' operation, they and the district court focused on whether
13 the new rules effectively mandate the use of fuel efficient
14 vehicles through their economic impact. In that context, the
15 district court rejected the City's argument that the new rules
16 are permissible because they only provide an incentive, rather
17 than create a de facto mandate, for the purchase of hybrid
18 vehicles. Appellants Br. at 7, 28. This attention to economic
19 impact was misguided, however, because the rules in question
20 directly regulate the relevant preempted subject matter.

21 22 **II. The Plaintiffs' Preliminary Injunction**

23 Although we find the district court's conclusion that the
24 rules effected a mandate irrelevant to our analysis, the district

1 court's preliminary injunction was appropriate. The City does
2 not challenge the district court's determination that the
3 plaintiffs face irreparable harm absent injunctive relief, nor
4 does it challenge the preliminary injunction on either the
5 balance of hardships or public interest prongs of the preliminary
6 injunction standard. The sole issue before us is whether the
7 plaintiffs have established a likelihood of success on the
8 merits. Leavitt, 524 F.3d at 414.

9 The City's new rules, based expressly on the fuel economy of
10 a leased vehicle, plainly fall within the scope of the EPCA
11 preemption provision. The plaintiffs, therefore, have
12 demonstrated a likelihood, indeed a certainty, of success on the
13 merits, and we affirm the district court's preliminary injunction
14 on this ground. Because preemption under the EPCA is sufficient
15 to affirm the preliminary injunction, there is no need to reach
16 the question of whether the preemption provision of the CAA would
17 invalidate the City's new rules.

18 19 **CONCLUSION**

20 We AFFIRM the district court's order granting the
21 preliminary injunction.



Air Resources Board



Matthew Rodriquez
Secretary for
Environmental Protection

Mary D. Nichols, Chair
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Edmund G. Brown Jr.
Governor

DEPARTMENT OF
TRANSPORTATION
2017 SEP 11 A 11:25
DOCKET OPERATIONS

September 5, 2017

Mr. James Tamm
Chief, Fuel Economy Division
National Highway Transportation Safety Administration, Department of Transportation

Via: <http://www.regulations.gov> to Docket No. NHTSA-2017-0069

Docket Management Facility, M-30
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: National Highway Traffic Safety Administration's Notice of Intent to Prepare an
Environmental Impact Statement for Model Year 2022-2025 Corporate Average
Fuel Economy Standards
Docket No. NHTSA-2017-0069

Dear Mr. Tamm:

The California Air Resources Board (CARB) submits the attached comments on the National Highway Traffic Safety Administration's (NHTSA) scoping notice¹ for the environmental impact statement (EIS) that NHTSA must prepare for its proposed new Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2022 through 2025 passenger and non-passenger automobiles.²

CARB is deeply concerned that NHTSA may revisit MY 2021 standards at all, and opposes weakening of standards for any model year.³ CARB, NHTSA, the United States Environmental Protection Agency (EPA), and automobile manufacturers have worked together for years to implement a single national program integrating CAFE standards and state and federal emissions standards. This integrated national program is creating a new generation of efficient and low-polluting vehicles, which deliver

¹ See 40 C.F.R. § 1501.7.

² 82 Fed.Reg. 34,740 (July 25, 2017).

³ 82 Fed.Reg. at 34,742.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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increased fuel efficiency and savings for the American people and major cuts to greenhouse gas and other air pollutant emissions. Recent actions by NHTSA and EPA, including this scoping request and the recent Request for Comment on greenhouse gas emissions standards for MY 2021 through 2025,⁴ suggest that the federal agencies are considering weakening this successful program. Years of expert analyses, including the Draft Technical Assessment Report and Final Determination, make clear that the program is performing well.⁵ It is feasible, cost-effective, and environmentally protective. It should not be weakened.

NHTSA is obligated to adopt the "maximum feasible" CAFE standards. As our attached responses indicate, weaker standards than those announced in 2012 as the "augural" standards for model years 2022-2025⁶ would be contrary to NHTSA's statutory mandate promoting technological progress, energy conservation, and public health and environmental protection. Weaker standards would be contrary to the law that requires NHTSA to consider the current standards that are in effect when developing the next standards. Weaker standards sell short the progress the industry has made and has shown it will make.

Strong CAFE standards encourage industrial innovation and enhance American competitiveness in a world rapidly moving towards cleaner forms of transportation. They also save billions of dollars in fuel costs. There are few better economic and environmental policies than the CAFE program. Weakening it now would forfeit critical benefits while worsening the damage caused by greenhouse gases and other forms of air pollution. Disadvantaged communities will suffer if NHTSA goes down this path, as their members already often bear more than their share of pollution, and need the most help covering transportation costs. NHTSA should instead protect the public and ensure Americans are able to drive clean and efficient vehicles.

⁴ *Request for Comment on Reconsideration of the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-Duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards*, 82 Fed.Reg. 39,551 (August 21, 2017).

⁵ U.S. EPA, NHTSA, CARB, *Draft Technical Assessment Report: Midterm Evaluation of Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards for Model Years 2022-2025* (Draft TAR) (July 2016), available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100OXEO.PDF?Dockey=P100OXEO.PDF>, last visited August 17, 2017; *Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation (Final Determination)* (Jan. 2017) EPA-420-R-17-001.

⁶ See U.S. EPA and NHTSA, *2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards; Final rule*, 76 Fed.Reg. 62,623 (Oct. 15, 2012), as corrected at 77 Fed.Reg. 68,070 (Nov. 15, 2012).

Mr. James Tamm
September 5, 2017
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It is disturbing, in this regard, that CARB has not been included in these discussions. CARB standards cover millions of vehicles across the country in California and in states that have chosen to adopt California standards. NHTSA and EPA committed to collaborate with CARB on developing and implementing a national program for American vehicles. Moving, unilaterally, away from our successful joint effort could shatter the harmonized California and federal emission and fuel economy standards.⁷ That would be a bad outcome for the country.

We instead invite you to work with us to ensure CAFE and emissions standards stay strong, and get stronger in the years to come, building on the innovation already underway. CARB, like EPA, recently reaffirmed that the greenhouse gas standards it adopted and implements are achievable, including for the 2021-2025 model years. Based on the best available information, CARB is beginning the process of setting more ambitious standards for model years thereafter. It is vital that the federal agencies continue to coordinate their work with CARB to achieve the critical public health, economic, and national security goals set by our governing statutes.

CARB is prepared to provide its technical and policy expertise from its own continued progress to assist in NHTSA's development of the maximum feasible fuel economy standards the nation deserves. You may contact me at (916) 322-7077 or richard.corey@arb.ca.gov to discuss any of these issues.

We look forward to NHTSA affirming that the maximum feasible fuel economy standards are at least as stringent as the augural standards set years ago.

Sincerely,



Richard W. Corey
Executive Officer

Attachment

cc: See next page

⁷ See 76 Fed.Reg. 74,854, 74,863 (December 1, 2011); Cal. Code Regs. Title 13, § 1961.3 (c).

Mr. James Tamm
September 5, 2017
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cc: The Honorable Kevin de León, President pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, California 95814

The Honorable Anthony Rendon, Speaker of the Assembly
California State Assembly
State Capitol, Room 219
Sacramento, California 95814

Richard Perry, Secretary
U.S. Department of Energy
1000 Independence Ave. SW
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Scott Pruitt, Administrator
Environmental Protection Agency
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1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mary D. Nichols, Chair
Air Resources Board

Docket ID No. EPA-HQ-OAR-2015-0827

Mr. James Tamm
September 5, 2017
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**Comments of the California Air Resources Board
Responding to
The National Highway Traffic Safety Administration's
Notice of Intent to Prepare an Environmental Impact Statement for
Model Year 2022–2025 Corporate Average Fuel Economy Standards
Docket No. NHTSA–2017–0069**

The California Air Resources Board (CARB) submits these responses to the National Highway Traffic Safety Administration's (NHTSA) Federal Register notice requesting comments on the scope⁸ of the environmental impact statement (EIS) that NHTSA must prepare for its proposed new Corporate Average Fuel Economy (CAFE) standards for model year (MY) 2022 through 2025 passenger and non-passenger automobiles ("passenger cars" and "light trucks," respectively).⁹

I. NHTSA's Analysis Must Recognize the National Program Now Underway, Including the Role of California and the Clean Air Act Section 177 States.

A. The Augural Standards, Included in the National Program, Constitute the Proper Baseline for NEPA Analysis.

NEPA's fundamental purpose is "not to generate paperwork – even excellent paperwork – but to foster excellent action."¹⁰ It is intended to ensure that "the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts" and that "the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision."¹¹ Unfortunately, the scoping notice NHTSA has issued will not produce excellent action unless NHTSA changes its apparent course.

A fundamental flaw in NHTSA's proposed analysis is that the agency is proposing to use *no change* from the model year 2021 standards as its baseline for environmental impacts.¹² Because environmental impacts, and alternatives, are to be measured from the baseline, baseline selection is critical. Without establishing the baseline conditions

⁸ See 40 C.F.R. § 1501.7.

⁹ 82 Fed.Reg. 34,740 (July 25, 2017).

¹⁰ *Dept. of Transp. v. Public Citizen* 541 U.S. 752, 768-69 (2004).

¹¹ See *id.* at 768; see also *Oregon Natural Desert Ass'n v. Bureau of Land Management*, 625 F.3d 1092, 1099 (9th Cir. 2010) (referring to NEPA's focus on a transparent "democratic decisionmaking structure").

¹² See 82 Fed.Reg. at 34,742.

which exist before a project begins, there is simply no way to determine what effect the project will have on the environment and, consequently, no way to comply with NEPA.”¹³ The model year 2021 CAFE standards are not the proper baseline under the law; the augural standards and harmonized federal greenhouse gas emissions standards on which the integrated national program depends, for the 2022-2025 model years, are the proper point of departure, consistent with governing law’s requirement that NHTSA set the “maximum feasible” standards in each year. By failing to acknowledge this point, NHTSA risks arbitrarily masking the severe consequences of weakening standards after 2021 in contravention of NEPA.

The augural standards are reflected in, and connected to, greenhouse gas standards set by the United States Environmental Protection Agency (EPA) and by CARB that are already in law for the model years 2022-2025. The United States Supreme Court has explained that mileage standards and emissions standards are to be harmoniously administered and that the agencies should “avoid inconsistency” to the extent possible.¹⁴ Similarly, NHTSA’s governing statutes – including the Energy Policy and Conservation Act (EPCA¹⁵) and the Energy Independence and Security Act (EISA¹⁶) – likewise direct NHTSA to consult with EPA, and to consider environmental factors.¹⁷

Accordingly, NHTSA is not writing on a blank slate. Instead, its decision is whether to finalize or to strengthen the augural standards it has already issued and which the emissions standards reflect. A contrary decision to weaken these standards would be a departure from the status quo that creates an inconsistency with the emissions standards and, as we discuss below, would be unsupported by the law and evidence. But regardless of the direction NHTSA decides to go, it must, for NEPA purposes, be clear about the impacts of its choices – which means NHTSA must evaluate those impacts against the current joint national program, not against a frozen (and illegal) 2021 status quo.

¹³ *Great Basin Resource Watch v. Bureau of Land Management*, 844 F.3d 1095, 1101 (9th Cir. 2016) (alterations and citations omitted.)

¹⁴ See *Massachusetts v. E.P.A.*, 549 U.S. 497, 532 (2007). We note that EPA has a separate, strong, mandate to set highly protective emissions standards under the Clean Air Act. NHTSA and EPA should properly work to ensure their standards are rigorous and mutually consistent to the extent possible. In contrast, the approach NHTSA appears to be taking could result in pressure to weaken EPA standards, contrary to the Clean Air Act, and is therefore further improper.

¹⁵ Pub. L. 94-163, 89 Stat. 821 (December 22, 1975).

¹⁶ Pub. L. 110-140, 121 Stat. 1492 (December 19, 2007).

¹⁷ See 49 U.S.C. § 32902; see also *Center for Biological Diversity v. NHTSA*, 538 F.3d 1172, 1196 (9th Cir. 2008).

When prescribing the 2022 through 2025 MY CAFE standards, the Secretary of the Department of Transportation must first consult with the Secretary of Energy and the EPA Administrator, and must consider, among other factors, the effect of “other motor vehicle standards of the Government” upon proposed fuel economy standards.¹⁸ Such “other motor vehicle standards” include EPA’s, and CARB’s, greenhouse gas and other emission standards for passenger cars and light trucks.¹⁹

Indeed, although NHTSA’s CAFE standards do not constitute motor vehicle emission standards, they are closely related to EPA’s corresponding greenhouse gas emission standards for MY 2022 through 2025 passenger cars and light trucks. EPA developed these emission standards in a 2012 joint rulemaking with NHTSA.²⁰ CARB’s standards are consistent with NHTSA’s in the “one national program” that accepts compliance with EPA’s greenhouse gas emissions standards.²¹ CARB’s standards apply in twelve additional states, encompassing about 35% of the national market.²² Consequently, NHTSA must consider the extent to which any changes to its “augural” CAFE standards for MY 2022 through 2025 would undermine the effectiveness of EPA’s and CARB’s greenhouse gas standards for these model years for passenger cars and light-duty trucks, causing significant policy and environmental impacts and backtrack from the baseline level of environmental impacts.

This is entirely consistent with the Supreme Court’s mandate in *Massachusetts v. EPA*.²³ Courts have further determined that NHTSA, is obligated to ensure that its fuel economy regulations are harmonized with, and do not undermine greenhouse gas emission standards that EPA has promulgated in order to fulfill its statutory mandate to regulate air pollutants that may endanger the public welfare.²⁴

NHTSA’s proposal to instead use the model year 2021 standards, extended indefinitely, as the baseline simply ignores this binding law, and the purposes of NEPA. The greenhouse gas emissions standards, now law, with which NHTSA must ensure consistency, foreclose continued use of the 2021 standard as a baseline as entirely inconsistent with the model year 2022-2025 greenhouse gas emissions standards.

Moreover, as a practical matter, industry has planned its efforts to meet the augural standards. Given the long lead times involved in developing vehicle fleets, it is these

¹⁸ 49 U.S.C. § 32902(a), (f).

¹⁹ See 40 C.F.R. § 86.1818-12.

²⁰ See 76 Fed.Reg. 62,623 (Oct. 15, 2012).

²¹ See 76 Fed.Reg. 74,854, 74,863 (December 1, 2011); Cal. Code Regs. Title 13, § 1961.3 (c).

²² See CARB, *Compilation of Section 177 States*, May 10, 2017, citing data from <https://autoalliance.org/energy-environment/zev-sales-dashboard/>.

²³ See *Massachusetts, supra*, 549 U.S. at 532.

²⁴ *Central Valley Chrysler-Jeep, Inc. v. Goldstene*, 529 F.Supp.2d 1151, 1170 (E.D. Cal. 2007).

standards that would already be – and by industry’s stated planning horizons likely already are – having an influence, even in the absence of the greenhouse gas emissions standards.

Ultimately, NEPA requires that NHTSA properly inform the public of its actions, as the Supreme Court has explained. The question now before NHTSA is whether to move forward with the augural standards or to suddenly diverge from the established program and offer different standards. The only proper way to serve NEPA’s public information purposes is to measure the consequences from the status quo of the augural standards and related national program.

B. An Augural Standards Baseline Properly Reflects the Operations of State and Federal Programs.

The augural standards are the proper baseline for still another reason: They properly reflect the historic effort by the states that is supporting the national program, and are in accordance with the agreements on which the program is based.

NHTSA, EPA, and CARB have shown that they can work with the automobile industry to develop consistent standards to meet the complementary goals of protecting public health and the environment and conserving resources. The existing and augural fuel economy standards and EPA’s greenhouse gas emission standards through 2025 were developed in conjunction with each other - and with CARB as it considered its emission regulations.²⁵ The agencies collectively assessed various regulatory scenarios for reducing emissions and fuel consumption using four broad metrics: per-vehicle cost increase, vehicle technology mix, net reduction in greenhouse gas emissions, and net reduction in fuel consumption.

²⁵ See, e.g.: U.S. EPA, NHTSA, CARB, *Interim Joint Technical Assessment Report: Light Duty-Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards for Model Years 2017-2025 (Interim Joint TAR)* (September 2010): “For each model year and each technology pathway (described below) we analyzed four potential GHG targets representing a 3, 4, 5 and 6% decrease in GHG levels -- that is, starting with a 250 gram/mile overall average requirement in MY 2016, the g/mile CO₂ scenario fleet-wide target was lowered at the rates of 3% per year, 4% per year, 5% per year, and 6% per year. The 3, 4, 5, and 6% annual stringency increases were chosen for evaluation because they represent a reasonably broad range of targets for this initial assessment and because the rates of increase are consistent with CARB’s letter of commitment in response to the President’s memorandum. The assessment for each scenario is characterized using four broad metrics: per-vehicle cost increase, vehicle technology mix, net reduction in GHG emissions, and net reduction in fuel consumption.” pp. 6-7, available at <https://www.epa.gov/sites/production/files/2016-10/documents/ldv-ghg-tar.pdf>, last visited August 17, 2017.

California's greenhouse gas emission standards, which have been adopted by twelve other states constituting approximately 35% of the U.S. vehicle market, for MY 2017 through 2025 passenger cars and light trucks are an integral part of this effort, and NHTSA must consider them in its baseline and analysis. California's standards, discussed further below, are "other standards of the government" for the purposes of EISA and EPCA. They are established under the authority of state law and a waiver from federal preemption under Section 209(a)²⁶ of the federal Clean Air Act.²⁷ California is the only state that is authorized, in the first instance, to adopt and enforce new motor vehicle emission standards that are distinct from new motor vehicle emission standards established by EPA, provided California obtains a waiver of preemption for such standards pursuant to section 209(b) of the Clean Air Act²⁸ from the Administrator of the EPA. Once California obtains a waiver, other states that are noncompliant with federal ambient air quality standards may elect to adopt those waived standards as their own, pursuant to section 177 of the Clean Air Act.²⁹

In 2011, CARB, vehicle manufacturers, EPA, and NHTSA committed to cooperatively develop national greenhouse gas emission standards and coordinated CAFE standards for 2017 through 2025 MY model year passenger cars and light-duty trucks. CARB committed to revise California's greenhouse gas emission regulations to allow vehicles certified to federal greenhouse gas emission standards for 2017 through 2025 model years to be "deemed in compliance" with the corresponding California greenhouse gas emission standards for those same model years, provided that the program did not change "substantially" from the final form it had when it was issued.³⁰

In 2012, CARB initially adopted California greenhouse gas emission standards for 2017 through 2025 MY passenger cars and light trucks.³¹ In October 2012, EPA and NHTSA issued their final rules setting federal greenhouse gas emission and fuel economy standards for MY 2017 through 2025 vehicles,³² and CARB subsequently amended the ACC program in November 2012 to provide vehicle manufacturers the option to

²⁶ 42 U.S.C. § 7543(a).

²⁷ See 78 Fed.Reg. 2112 (January 9, 2013).

²⁸ 42 U.S.C. § 7543(b).

²⁹ 42 U.S.C. § 7507.

³⁰ See CARB Reso. No. 12-35 (Nov. 15, 2012), p. 4. CARB's commitment specifically referenced federal greenhouse gas emission standards adopted by EPA for MY 2017 through 2025 vehicles that were substantially as described in EPA and NHTSA's Notice of Intent for MY 2017 through 2025 model years, issued in July of 2011.

³¹ CARB's greenhouse gas emission standards are part of its Advanced Clean Cars (ACC) program that combines both criteria and greenhouse gas pollutant emission standards and requirements for zero-emission vehicles into a single coordinated package of requirements for MY 2015 through 2025 vehicles. CARB Reso. No. 12-21 (Mar. 22, 2012), p. 3.

³² 77 Fed.Reg. 62,624 (Oct. 15, 2012).

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demonstrate compliance with the "2017 through 2025 MY National greenhouse gas program."³³ In 2013, CARB obtained from EPA a waiver of preemption for the ACC program, as amended in November 2012.³⁴ Twelve other states have elected to adopt California's greenhouse emission standards for model years out to 2025 (as well as its criteria pollutant standards), pursuant to Section 177 of the Clean Air Act.³⁵

CARB's greenhouse gas motor vehicle emission standards are a fundamental component of California's strategy to protect the health of its citizens and its natural resources from the threats of climate change. Because of the interconnections between NHTSA's CAFE standards and EPA and CARB's greenhouse gas motor vehicle emission standards, and because of the significant numbers of vehicles (and hence emissions) not governed by the California standards, California and other states that have adopted California's greenhouse gas emission standards pursuant to Section 177 of the Clean Air Act would suffer damage from climate change and air pollution, as well as economic harms, if NHTSA were to establish CAFE standards that were less stringent than the current CAFE standards applicable to 2017 through 2021 MY vehicles.

These existing federal and state greenhouse gas emission standards, as reflected in the augural standards, in sum, are the status quo. They are the current baseline conditions against which any changes must be measured.³⁶ NHTSA must therefore ensure that its CAFE standards not undermine the protectiveness of California's existing greenhouse gas emission standards for MY 2017 through 2025 vehicles, which, as previously stated, have been adopted by other states pursuant to Section 177 of the Clean Air Act. (*Central Valley Chrysler-Jeep, Inc.*, 529 F.Supp.2d 1151, 1173-74; *Green Mountain Chrysler v. Crombie*, 508 F.Supp.2d 295, 347 (D. Vt. 2007).)³⁷

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³³ Defined as "the national program that applies to new 2017 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 C.F.R. Part 86, Subpart S, § 1801-01, et seq." in lieu of complying with otherwise applicable California greenhouse gas emission standards. Cal. Code Regs., tit. 13, § 1961.3(c).

³⁴ 78 Fed.Reg. 2112 (January 9, 2013).

³⁵ 42 U.S.C. §7507.

³⁶ 40 C.F.R. § 1502.14(d); *Center for Biological Diversity v. U.S. Dept. of Interior* (9th Cir. 2010) 623 F.3d 633, 642.

³⁷ *Central Valley Chrysler-Jeep, supra*, 529 F.Supp.2d at 1173-1174; *Green Mountain Chrysler v. Crombie*, 508 F.Supp.2d 295, 347 (D. Vt. 2007).

II. The Augural Standards Set the Lower Bound of the Options for Maximum Feasible Fuel Economy Standards.

NHTSA explicitly solicited public comment on the lower and upper bounds of reasonable fuel economy standards for the purposes of NEPA and EISA/EPCA analysis. (82 Fed.Reg. at 34742-34743.). The augural standards are the proper lower bound. They are the status quo, reflect the larger national program, and are amply supported by the evidence. They also are most consistent with the need for even more ambitious standards in model year 2026 and beyond, now under consideration by CARB, and which both NHTSA and EPA must also ultimately establish. NHTSA should, however, consider whether more ambitious standards are feasible.

NEPA charges NHTSA with evaluating reasonable alternatives. Any alternatives must be consistent with EISA and EPCA, which direct that NHTSA must establish the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.³⁸ “When deciding maximum feasible average fuel economy [NHTSA must] consider [four factors:] technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.”³⁹ NHTSA’s consideration must be consistent with the fundamental purpose of EPCA⁴⁰ to conserve energy.⁴¹ Again, under NEPA, NHTSA must also consider as the baseline against which proposed changes must be compared other existing, relevant requirements.⁴² The CAFE standards that are in effect through 2021 and the subsequent “augural” standards are part of that baseline.

It would be improper for NHTSA to consider weaker standards than the augural standards, for the reasons discussed above, and because weaker standards are manifestly not the “maximum feasible” standards. Considering the advances in technology since the augural standards were developed, it would be arbitrary for NHTSA not to consider stronger standards, as there is record evidence that they are reasonable. It would also be inconsistent with the methodology used to establish the 2017-2025 model year greenhouse gas emission standards.

³⁸ 49 U.S.C. § 32902(a).

³⁹ 49 U.S.C. § 32902(f).

⁴⁰ EPCA, Pub. L. 94-163, 89 Stat. 871 (December 22, 1975), as amended by the Energy Independence and Security Act of 2007 (EISA), Pub. L. 110-140, 121 Stat 1492 (December 19, 2007).

⁴¹ *Center for Biological Diversity v. National Highway Traffic Safety Administration* 538 F.3d 1172, 1194-1195 (9th Cir. 2008).

⁴² 40 C.F.R. § 1502.14(d); *Center for Biological Diversity v. U.S. Dept. of Interior* (9th Cir. 2010) 623 F.3d 633, 642.

Initially, in reviewing the augural standards, NHTSA must consider the entirety of the prior analyses that concluded those standards were the maximum feasible including: Docket ID Nos. EPA-HQ-OAR-2015-0827, NHTSA-2010-0131, and NHTSA-2011-0056. NHTSA's consideration must also include but not be limited to, the following documents (with key findings quoted):

- NHTSA: *Corporate Average Fuel Economy Standards Passenger Cars and Light Trucks Model Years 2017-2025: Final Environmental Impact Statement: Summary*, July 2012.

NHTSA has analyzed a reasonable range of action alternatives with stringencies that increase annually, on average, 2 percent to 7 percent from the MY 2016 standards for passenger cars and for light trucks. As the agency stated in the Notice of Intent to issue an EIS and in the Draft EIS, NHTSA believes that, based on the different ways it could weigh EPCA's four statutory factors, the maximum feasible level of CAFE stringency falls within this range.⁴³

- U.S. EPA and NHTSA, October 15, 2012: *2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards*.⁴⁴

The most persuasive information received from stakeholders for passenger cars concerned practicability issues in MYs 2017–2021, so the agency tentatively concluded that the maximum feasible stringency levels for passenger cars are only slightly different from the 4%/year levels suggested as the high end preliminarily considered by the agency; increasing on average 3.7%/year in MYs 2017–2021, and on average 4.5%/year in MYs 2022–2025. (p. 63,033.)⁴⁵

NHTSA therefore tentatively concluded that (for light-duty trucks) the preferred alternative, which would in MYs 2017–2021 increase on average 2.6%/year, and in MYs 2022–2025 would increase on average 4.6%/year, was the maximum feasible level that the industry can reach in those model years. (p. 63,034.)⁴⁶

⁴³ U.S. DOT/NHTSA - *Final Environmental Impact Statement, Summary, Corporate Average Fuel Economy Standards, Passenger Cars and Light Trucks, Model Years 2017-2025*, available at <https://www.regulations.gov/document?D=NHTSA-2011-0056-2088>, last visited August 17, 2017.

⁴⁴ Final rule, 77 Fed.Reg. 62,624 (Oct. 15, 2012.).

⁴⁵ 77 Fed.Reg. at 63,033.

⁴⁶ 77 Fed.Reg. at 63,034.

- CARB: *Staff Report: Initial Statement of Reasons for Proposed Rulemaking; Public Hearing to Consider the "LEV III" Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards and Test Procedures and to the On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and to the Evaporative Emission Requirements for Heavy-Duty Vehicles*, December 7, 2011: Section 5.7. Analysis of Alternative GHG Regulation Stringency:

In addition to the proposed GHG regulatory stringency of above, staff also analyzed alternative stringencies that delivered lower and higher GHG emission levels. The differing stringency levels were based upon the upper bounds that were chosen by USEPA, NHTSA, and CARB for use in the 2010 TAR analysis. The reduced stringency case represented a 3%/year reduction in GHG emissions from 2016-2025 to achieve 190 gCO_{2e}/mile; the increased stringency case represented a 6%/year GHG reduction to achieve 143 gCO_{2e}/mile in model year 2025. (p. 152.)

The staff GHG proposal, at approximately a 4.5%/year annual stringency over the 2016-2025 period, was ultimately determined based on meeting the joint statutory requirements of USEPA, NHTSA, and ARB; discussions with the automobile industry; and achievement of the maximum feasible cost-effective GHG emission reduction level. (p. 154.)⁴⁷

Since the augural standards were established, the industry has advanced further than predicted. Recent information that NHTSA must consider shows the fuel economy standards should, if anything, be strengthened. The National Academy of Sciences, in reviewing the NHTSA and EPA analyses supporting the emission and fuel economy standards through 2025, found them "to be thorough and of high caliber on the whole." (NAS: 2015: *Cost, Effectiveness, and Deployment of Fuel Economy Technologies for*

⁴⁷ CARB: *Staff Report: Initial Statement of Reasons for Proposed Rulemaking; Public Hearing to Consider the "LEV III" Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards and Test Procedures and to the On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and to the Evaporative Emission Requirements for Heavy-Duty Vehicles (LEV III ISOR)*, (December 7, 2011), available at <https://www.arb.ca.gov/regact/2012/leviiighg2012/levisor.pdf>, last visited August 17, 2017.

Light-Duty Vehicles; (p. 2), [⁴⁸](https://www.nap.edu/catalog/21744/cost-effectiveness-and-deployment-of-fuel-economy-technologies-for-light-duty-vehicles.)

Following the original rulemaking analysis, the multi-year midterm evaluation process produced an exhaustive joint EPA-NHTSA-CARB technical analysis that concluded the augural standards are more than feasible based on technologies that are currently available.⁴⁹ CARB, in conducting its own midterm review of the greenhouse gas emission standards (along with emission standards for other pollutants and for zero-emission vehicles) concluded "that the current national 2022 through 2025 model year GHG emission standards can be readily met at the same or lower cost than originally projected when the standards were adopted in 2012, predominantly with advanced gasoline engines and transmissions."⁵⁰

There is additional information that NHTSA should consider beyond the CARB Midterm Review report, National Academies of Science review, and the EPA's Proposed Determination from 2016:

- Advanced Clean Cars Symposium: The Road Ahead: September 27-28, 2016: presentations that capture more recent technology beyond the TAR. The second day of the symposium covered engine and vehicle technologies that were not extensively used in the analysis for the 2016 TAR but are expected to be on production vehicles in the near term and could help meet the adopted greenhouse gas and particulate matter standards: presentations are submitted with this letter and are available at: <https://www.arb.ca.gov/msprog/acc/acc-symposium.htm>, last visited August 17, 2017.⁵¹

⁴⁸ NAS: 2015: *Cost, Effectiveness, and Deployment of Fuel Economy Technologies for Light-Duty Vehicles*; (p. 2), available at <https://www.nap.edu/catalog/21744/cost-effectiveness-and-deployment-of-fuel-economy-technologies-for-light-duty-vehicles>, last visited August 17, 2017.

⁴⁹ Draft TAR, p. ES-2 ["The agencies' independent analyses complement one another and reach similar conclusions: A wider range of technologies exist for manufacturers to use to meet the MY2022-2025 standards, and at costs that are similar or lower, than those projected in the 2012 rule."]; p. ES-12 ["...because EPA and NHTSA developed independent assessments of technology cost, effectiveness, and reference case projections, the compliance pathways and associated costs that result are also different. Consideration of these two results provides greater confidence that compliance can be achieved through a number of different technology pathways."].

⁵⁰ CARB, *California Advanced Clean Cars Midterm Review, Summary Report for the Technical Analysis of the Light-Duty Vehicles Standards, with Appendices (Midterm Review Report)* (Jan. 18, 2017), p. ES-3, available at https://www.arb.ca.gov/msprog/acc/mtr/acc_mtr_finalreport_full.pdf, last visited August 17, 2017.

⁵¹ See, e.g.:

- Ricardo Strategic Consulting: April 25, 2017: *Advanced Strong Hybrid and Plug-In Hybrid Engineering Evaluation and Cost Analysis*: study on advanced component costs, contracted by CARB. This study stated:

the initial review of vehicle technologies provided insight into some common trends embedded into new designs across OEMs: Light weighting; Reduction of mechanical and electric losses; Part reduction by component integration; Limiting exposure to potential supply chain volatility in rare earth materials; Efficient thermal management.... It became clear through preparing this report that innovation at the OEMs is continuing at a brisk pace, looking not only at discrete technical engineering solutions but also at broader commercial considerations.⁵²

- The International Council on Clean Transportation: *Efficiency technology and cost assessment for U.S. 2025–2030 light-duty vehicles*, March 22, 2017. This study on how component costs are lower than EPA projected concluded that 8%–10% greater efficiency improvement is available and cost effective for

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- *GHG Reducing Advancements and Technologies*, Dr. Dean Tomazic, Executive Vice President & CTO, FEV North America, Inc.; available at https://www.arb.ca.gov/msprog/consumer_info/advanced_clean_cars/ghg_reducing_advancements_and_technologies_dean_tomazic.pdf; last visited August 17, 2017.
 - *VCT Engine Technology*, Yutaka Fujimoto, Director of Powertrain, Nissan North America, Inc.; available at https://www.arb.ca.gov/msprog/consumer_info/advanced_clean_cars/vct_engine_technology_yutaka_fujimoto.pdf; last visited August 17, 2017.
 - *New Engine Technology*, Reiji Okita, Powertrain Development Program Manager, Mazda Motor Corporation; available at https://www.arb.ca.gov/msprog/consumer_info/advanced_clean_cars/new_engine_technology_reiji_okita.pdf; last visited August 17, 2017.
 - *Potential Benefits of Cylinder Deactivation*, Dr. Matthew Younkins, Chief Engineer, Powertrain, Tula Technology Incorporated; available at https://www.arb.ca.gov/msprog/consumer_info/advanced_clean_cars/potential_benefits_of_cylinder_deactivation_matthew_younkins.pdf; last visited August 17, 2017.

⁵² p. XI-XII, available at https://www.arb.ca.gov/msprog/acc/mtr/hybrid_phev_report_full.pdf, last visited August 17, 2017.

vehicles by 2025, compared to the latest U.S. regulatory analysis, and previous costs of compliance have been greatly overestimated.⁵³

III. When Balancing the Statutory Factors, NHTSA Must Consider Technological Advancements and Decreasing Costs Towards Meeting the Existing Standards, Climate Change and Other Environmental Impacts, and National Security.

NHTSA solicited comment on how it should balance the statutory factors when considering the “maximum feasible” fuel economy standards under 49 U.S.C. 32902(f). These factors are: technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.⁵⁴ NHTSA should particularly examine the technological advancements and decreasing costs achieved from the industry’s progress towards meeting the existing federal and state motor vehicle standards, the enormous costs of the impacts of climate change and other environmental and public health damage that are caused in part by motor vehicle emissions, and the impact on national security from relying on foreign fuel. NHTSA must also consider, and weigh heavily, the enormous environmental benefits that strong standards can support.

A. Technological Feasibility Analysis Supports Maintaining or Enhancing the Augural Standards.

When considering “technological feasibility,” NHTSA must consider the trend of advancing technology and decreasing costs. The current fuel economy standards set through 2021 and EPA’s emission standards through 2025, to which the “augural” standards are harmonized, establish a regulatory path of improvement. In considering any changes, NHTSA must consider the previous analyses for those requirements.^{55, 56}

⁵³ p. iv, available at http://www.theicct.org/sites/default/files/publications/US-LDV-tech-potential_ICCT_white-paper_22032017.pdf, last visited August 18, 2017.

⁵⁴ See 82 Fed.Reg. 34,743 (July 26, 2017) [asking for comment on how to balance factors].

⁵⁵ See, e.g., NHTSA: *Corporate Average Fuel Economy Standards Passenger Cars and Light Trucks Model Years 2017-2025: Final Environmental Impact Statement: Summary*, July 2012: “NHTSA has analyzed a reasonable range of action alternatives with stringencies that increase annually, on average, 2 percent to 7 percent from the MY 2016 standards for passenger cars and for light trucks. As the agency stated in the Notice of Intent to issue an EIS and in the Draft EIS, NHTSA believes that, based on the different ways it could weigh EPCA’s four statutory factors, the maximum feasible level of CAFE stringency falls within this range,” available at <https://www.regulations.gov/document?D=NHTSA-2011-0056-2088>, last visited August 17, 2017.

⁵⁶ See, e.g., 76 Fed.Reg. at 62,624, 63,033 [“The most persuasive information received from stakeholders for passenger cars concerned practicability issues in MYs 2017–2021, so the agency

Those standards have, in turn, led to technological advancements by manufacturers that NHTSA must now consider. As described earlier in this letter, the available data demonstrates that the standards are not only feasible, but arguably short of the "maximum feasible."

B. Strong Standards Support the Economy and are Cost-Effective.

When considering economic practicability, NHTSA must consider actual conditions in the marketplace. Factors that must be considered include the actual use of vehicles by purchasers, the expected and reasonably foreseeable cycle of the automobile industry, and the holistic costs of passenger car and light truck vehicle and fuel production and use. These factors amply demonstrate that strong standards are appropriate. Indeed, economic considerations viewed broadly also militate for strong standards; these considerations must include a fair accounting of the enormous economic impacts on consumers and harm done by fossil fuel-powered vehicle emissions, and the considerable cost fuels impose on our economy.

The broader economy benefits from strong standards: These benefits include avoided climate change impacts (discussed below), preservation of wealth in the pockets of the American people from reduced purchases of foreign (and domestic) petroleum, redirection of that preserved wealth to more productive use that causes positive ripple effects in the economy, the development of cleaner technologies that will grow the domestic economy, and decreased health impacts and costs from reduced pollution associated with producing and delivering fuel. The impacts on manufacturers, in short, are not to be viewed in isolation.⁵⁷

NHTSA must consider the economy-wide costs avoided by strong CAFE standards. Reduced standards will incur health-based social costs. NHTSA should include an analysis following EPA's Guidelines for Preparing Economic Analyses, which CARB utilizes to evaluate direct and indirect costs and benefits. NHTSA should consider monetized and non-monetized benefits, including reduced mortality risk and morbidity

tentatively concluded that the maximum feasible stringency levels for passenger cars are only slightly different from the 4%/year levels suggested as the high end preliminarily considered by the agency; increasing on average 3.7%/year in MYs 2017–2021, and on average 4.5%/year in MYs 2022–2025."], 76 Fed.Reg. 62,624, 63,034 ["NHTSA therefore tentatively concluded that (for light-duty trucks) the preferred alternative, which would in MYs 2017–2021 increase on average 2.6%/year, and in MYs 2022–2025 would increase on average 4.6%/year, was the maximum feasible level that the industry can reach in those model years."], available at <https://www.gpo.gov/fdsys/pkg/FR-2012-10-15/pdf/2012-21972.pdf>, last visited August 17, 2017.

⁵⁷ See 2017 And Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards--Part 2 of 3, *Air Qual. Compl. P.*, 76 Fed.Reg. 74,854, 75,224 (Dec. 1, 2011).

and ecological benefits. CARB models its approach to monetizing mortality risk benefits on the value of statistical life (VSL) method recommended by the EPA Science Advisory Board's Environmental Economics Advisory Committee (U.S. EPA SAB); NHTSA should do so as well.

NHTSA should also consider the social cost of GHGs, which estimate the harm that is avoided by reducing GHG emissions. Since 2008, federal agencies have incorporated the social costs of GHGs, including carbon dioxide, methane, and nitrous oxide into the analysis of their regulatory actions. Agencies including the EPA, Federal Department of Transportation (FDOT), and Department of Energy (DOE) are subject to Executive Order 12866, which directs agencies "to assess both the costs and benefits of the intended regulation."⁵⁸ The Ninth Circuit Court of Appeals has recognized that "the value of carbon emissions reduction is certainly not zero".⁵⁹ The D.C. Circuit Court of Appeals has also recognized that agencies must account for greenhouse gas emissions consequences of their decisions.⁶⁰

In 2009, the Council of Economic Advisors and the Office of Management and Budget convened the Interagency Working Group on the Social Cost of Greenhouse Gases⁶¹ (IWG) to develop a methodology for estimating the social cost of carbon (SC-CO₂). This methodology relied on a standardized range of assumptions and could be used consistently when estimating the benefits of regulations across agencies and around the world. CARB utilizes the current IWG supported social cost of carbon and methane values to consider the social costs of actions to reduce GHG emissions.

While the current federal administration has recently withdrawn certain social cost of GHG reports as no longer representative of federal governmental policy,⁶² this action does not call into question the validity and scientific integrity of federal social cost of GHG work, the independent legal requirement under NEPA to properly characterize greenhouse gas impacts (which may require describing social costs using the social cost of carbon under these circumstances), or the merit of independent scientific work. The legal requirements for NHTSA to consider the social cost of GHGs are not obviated and the IWG's work remains relevant, reliable, and appropriate for use for these purposes. CARB recommends that NHTSA rely on the most recent IWG supported

⁵⁸ Exec. Order No. 12866, Regulatory Planning and Review, 58 Fed.Reg. 51,735 (October 4, 1993).

⁵⁹ *Center for Biological Diversity v. National Highway Traffic Safety Admin.* (9th Cir. 2008) 538 F.3d 1172, 1200.

⁶⁰ See, e.g., *Sierra Club v. FERC*, Case No. 16-1329 _ F.3d __, slip op. at 22-27 (notably requiring FERC, on remand, to consider the role of the Social Cost of Carbon in describing impacts).

⁶¹ Originally titled the Interagency Working Group on the Social Cost of Carbon, the IWG was renamed in 2016.

⁶² See Exec. Order No. 13783 (March 28, 2017).

values for the social cost of carbon, methane, and nitrous oxide in evaluating the social cost of the augural standards.⁶³

NHTSA must also consider the many benefits of strong standards. Engineering and development of advanced technology vehicles, including electric drivetrains, can result in a net job growth in the United States, according to the International Economic Development Council. It is important that NHTSA consider these broader economic impact benefits in setting fuel economy standards.⁶⁴ National studies evaluating the economic impact from the fuel economy standards show net job growth as a result of the augural standards.⁶⁵ Net job growth is projected when taking a broader view of investments and innovation in new technologies from component suppliers as well as automobile manufacturers. The augural standards also ensure technology is advancing such that automobile manufacturers remain competitive with models introduced in other markets outside of the United States. The standards also help lower transportation costs, and may be of particular benefit to lower-income Americans. NHTSA must consider these facts as it weighs the economic practicability of the augural or other potential standards.

The CAFE standards benefit manufacturers directly by keeping them competitive in a global market that is increasingly shifting towards efficient and lower-pollution vehicles. Indeed, as America, Europe, and Asia pivot away from internal combustion engines,⁶⁶ it

⁶³ See, e.g., *The 2017 Climate Change Scoping Plan Update* January 20, 2017, p. 63, available at https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, last visited August 21, 2017; *Technical Support Document: - Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis – Under Executive Order 12866, Interagency Working Group on Social Cost of Carbon, United States Government*, May 2013, Revised July 2015, available at <https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/scc-td-final-july-2015.pdf>, last visited August 21, 2017; R. Revesz, M. Greenstone, M. Hannemann, M. Livermor, T. Sterner, D. Grab, P. Howard, J. Schwartz, *Best cost estimate of greenhouse gases*, *Science*, Aug. 18, 2017, vol. 357, Issue 6352, p. 655, available at <http://science.sciencemag.org/content/357/6352/655>, last visited August 18, 2017.

⁶⁴ See *Midterm Review Report*, *supra*, App. B, p. B-122.

⁶⁵ See *Ibid.*, App. B, p. B-124.

⁶⁶ See, e.g.: <http://www.independent.co.uk/environment/france-petrol-diesel-ban-vehicles-cars-2040-a7826831.html> [France]; <https://www.nytimes.com/2017/07/26/world/europe/uk-diesel-petrol-emissions.html> [United Kingdom]; <https://www.cleanenergywire.org/news/merkel-open-combustion-engine-ban-onshore-wind-prices-drop/merkel-signals-support-eventual-ban-combustion-engine> [Germany]; <http://insideevs.com/china-considers-zev-mandate/> [China]; <http://www.mddecc.gouv.qc.ca/changementsclimatiques/vze/index-en.htm> [Quebec]; <http://www.newswire.ca/news-releases/government-of-canada-to-develop-a-national-zero-emissions-vehicle-strategy-by-2018-624609563.html> [Canada]; <http://wccfttech.com/norway-electric-cars/>; [Norway]; <https://www.fastcompany.com/3058649/the-netherlands-will-ban-new-gasoline-powered-vehicles-by-2025> [Netherlands], last visited August 18, 2017.

would be irresponsible for the United States to abandon its leadership role translating into wasteful over-consumption of petroleum-based fuels and high consumer expenditures on fuel.

Finally, NHTSA must consider that most purchasers of vehicles in the light trucks category use them for other than their purported design use. Most are predominantly used for passenger rather than cargo transport, and this is reflected in the features being added to the light truck category that enhance passenger comfort rather than payload capacity. Thus, manufacturers may reasonably be required to meet greater fuel economy requirements for this category that are commensurate with light-duty passenger travel, rather than cargo transport.⁶⁷

When considering the current status of automobile manufacturers' relative economic health, NHTSA must also recognize the inherent volatility of the new vehicle market. Stringent standards should not be avoided merely in response to current market conditions as many variables influence the demand for new vehicles.

In short, a fair consideration of the economic impacts of the CAFE standards will demonstrate that strong standards can and should be maintained.

C. Strong Standards are Further Supported by the Need to Conserve Energy as a Matter of National Security and Investment.

Our national need to conserve energy means NHTSA must weigh "the consumer cost, national balance of payments, environmental, and foreign policy implications of our need for large quantities of petroleum, especially imported petroleum." Environmental implications principally include those associated with reductions in emissions of criteria pollutants and CO₂. A prime example of foreign policy implications are energy independence and energy security concerns."⁶⁸ By statute, the factors NHTSA must consider include:

- loss of national wealth to foreign producers
- impacts to air and water quality and costs of mitigating those impacts
- long-term costs from natural resource consumption, and
- climate change costs from greenhouse gas emissions

⁶⁷ See, e.g., *Center for Biological Diversity v. National Highway Traffic Safety Administration* 538 F.3d 1172, 1207-1208 (9th Cir. 2008).

⁶⁸ 76 Fed.Reg. 74,854, 75,225-75,226 (Dec. 1, 2011), citing 42 Fed.Reg. 63,184, 63,188 (1977).

NHTSA's consideration of potential CAFE standards must weigh the varying impacts of the potential standards on the need of the United States to conserve energy.

Differences in the standards will have magnified effects across the national vehicle fleet. CAFE standards that are at least as high as the augural standards are consistent with energy independence and economic growth, including the relevant aspects of Executive Order No. 13783 of March 28, 2017. The augural standards promote clean air.⁶⁹ The augural standards save money for consumers, providing a greater benefit than cost.⁷⁰ They are cost-effective within the expected ownership of the original purchaser, and will increase the resale value for the original purchaser as they will save money for every driver over the vehicle's life. The augural standards are based on the best available peer-reviewed science and economics, developed through a transparent process.⁷¹

The augural standards advance technology, promoting the American automobile industry in particular, and its engineering community in general. The standards increase the competitiveness of the American automobile industry, of manufacturers as well as component suppliers. They further national security through more efficient engines with advanced technology that is transferable to military engines and vehicles that will need less fuel. This will secure our ability to supply our forces on the front lines.⁷² It will also decrease our consumption of domestic oil and dependence on foreign oil and other natural resources and energy supplies.⁷³

D. Environmental Impacts of the CAFE Standards Weigh Heavily in Favor of Rigor.

As NHTSA recognizes, the statutory factors it must consider "includ[e] environmental.... considerations."⁷⁴ We discuss many of these environmental impacts below, in a section of these comments identifying some environmental impacts that are particularly relevant for NEPA analysis – and hence, also, for NHTSA's CAFE analysis itself.⁷⁵ It bears

⁶⁹ See Exec. Order No. 13783, § 1.(d).

⁷⁰ See Exec. Order No. 13783, § 1.(e).

⁷¹ See Exec. Order No. 13783, § 1.(e).

⁷² See, e.g., Jerome Aliotta, *Driving the Army's energy-efficient future*, available at https://www.army.mil/article/181692/driving_the_armys_energy_efficient_future, last visited August 21, 2017.

⁷³ See Exec. Order No. 13783, § 2.(a).

⁷⁴ (82 Fed.Reg. at 34,741 and fn. 3 (citing extensive case law)); see also, e.g., *Public Citizen v. NHTSA* 848 F.2d 256, 262-263 (D.C. Cir. 1988))

⁷⁵ *Center for Auto Safety v. NHTSA*, 793 F.2d 1322, 1325, n.12 (D.C. Cir. 1986); *Center for Biological Diversity v. National Highway Traffic Safety Administration* 538 F.3d 1172, 1196 (9th Cir. 2008), 40 C.F.R. §§ 1500.6, 1502.25(a).

emphasizing here that the enormous importance of the CAFE standards for avoiding the worst impacts of climate change must be of central relevance to NHTSA's considerations.

Simply put, climate change is an existential threat to the United States and the world. It would be irrational and arbitrary for NHTSA to ignore the impacts of the CAFE standards on greenhouse gas emissions, especially in light of its governing statutes' focus on energy conservation and national security. The soon-to-be-published National Climate Assessment concludes that "human activities are now the dominant cause of the observed trends in climate."⁷⁶ The report goes on, consistent with the vast body of climate science, to describe the dire effects of these emissions on the United States – including increased temperatures, ocean acidification, fire, flood, drought, sickness, and economic destabilization. No responsible government can properly ignore these impacts. Transportation emissions, including mobile sources, are 26% of the nation's greenhouse gas emissions,⁷⁷ and 39% of California's.⁷⁸ These emissions are a dominant cause of the threat to our climate. NHTSA must weigh these impacts heavily.

E. NEPA Obligates NHTSA to Comprehensively Consider Environmental Impacts.

NHTSA's decisions on the CAFE standards will have sweeping environmental impacts that must be fully disclosed in the EIS the agency is preparing.

Basic NEPA principles warrant a very thorough disclosure here: The primary purpose of the EIS is to force action. It ensures that NEPA's policies and goals are infused into NHTSA's actions. It must provide a "full and fair discussion of significant environmental impacts [to] inform decisionmakers and the public of the reasonable alternatives [to] avoid or minimize adverse impacts or enhance the quality of the human environment."⁷⁹ An EIS must provide useful, understandable information to decision-makers and the public.⁸⁰ "[T]he agency must assess the 'impact of the action when added to other past, present, and reasonably foreseeable future actions *regardless of what agency (Federal*

⁷⁶ U.S. Global Change Research Program Climate Science Special Report, Fifth-Order Draft (2017), p. 33:11.

⁷⁷ See U.S. Greenhouse Gas Inventory Report: 1990-2014, available at <https://19january2017snapshot.epa.gov/ghgemissions/us-greenhouse-gas-inventory-report-1990-2014.html>, last visited August 22, 2017.

⁷⁸ See California Greenhouse Gas Emission Inventory - 2017 Edition, available at <https://www.arb.ca.gov/cc/inventory/data/data.htm>, last visited August 22, 2017.

⁷⁹ 40 C.F.R. § 1502.1.

⁸⁰ *Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1160 (9th Cir. 2006).

or non-Federal) or person undertakes such other actions.”⁸¹ As the Ninth Circuit explained, “Any given rule setting a CAFE standard might have an ‘individually minor’ effect on the environment but these rules are ‘collectively significant actions taking place over a period of time.’”⁸²

There are many environmental and natural resources impacts through multiple pathways that NHTSA must consider. These include greenhouse gas emissions and associated climate change impacts, and criteria pollutant and toxic emissions and related near-term and acute health impacts on certain groups, including those traditionally disadvantaged and more heavily impacted by pollution.

F. The Effects of Greenhouse Gas Emissions Warrant Extensive Analysis and Disclosure.

The significance of cumulative impacts is particularly acute when analyzing climate change impacts from greenhouse gas emissions from motor vehicles, which are impacted by the CAFE standards. Every incremental change to the CAFE standards changes national oil consumption in the billions of gallons and carbon dioxide emissions by millions of metric tons, to significant environmental effect. This presents a substantial question of the significant environmental effects of the national fuel economy standards; NHTSA fully disclose these effects in its EIS.⁸³

NHTSA’s proposal to measure climate change and greenhouse gas emissions impacts solely on the basis of the “potential temperature changes attributable to new CAFE standards” is, therefore, entirely inadequate and contrary to law.⁸⁴ Not only does this approach entirely ignore other relevant impacts of greenhouse gas emissions, such as ocean acidification, it ignores the inherently cumulative impacts of these emissions. Instead, NHTSA must consider the range of impacts from increased atmospheric concentrations of carbon dioxide and other greenhouse gases that will result from motor vehicle emissions, and the impact of the CAFE standards on those emissions and resulting adverse environmental impacts.⁸⁵

⁸¹ *Center for Biological Diversity v. NHTSA*, 538 F.3d 1172, 1217 (9th Cir. 2008), quoting 40 C.F.R. § 1508.7 (emphasis in original).

⁸² *Id.*, quoting 40 C.F.R. § 1508.7.

⁸³ See, e.g., *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir.1998).

⁸⁴ See 82 Fed.Reg. at 34,744.

⁸⁵ *Center for Biological Diversity v. National Highway Traffic Safety Administration* 538 F.3d 1172, 1198 (9th Cir. 2008); see 82 Fed.Reg. 34744; see *Coalition for Responsible Regulation v. EPA*, 684 F. 3d 102, 116-26 (D.C. Cir. 2012) [upholding EPA’s Endangerment Finding on carbon dioxide].

As it did when it developed the CAFE standards through MY 2021 and the augural standards, NHTSA must again candidly acknowledge that motor vehicle sources contribute substantially to this critical impact, that delays or weakening of CAFE standards will decrease the probability of avoiding climate change's worst impacts, and that the long-term trajectory of emissions (and efforts to improve vehicle technologies) are critical to solving this problem. In its prior Final EIS for the MY 2017-2025 CAFE standards for, NHTSA considered sources including the Intergovernmental Panel on Climate Change (IPCC), the U.S. Climate Change Science Program, the National Research Council, the Arctic Council, and the U.S. Global Change Research Program.⁸⁶ Since 2012, the assessment of the potential for cataclysmic change has become more certain and more severe. NHTSA must again consider the latest information regarding the role of motor vehicle emissions in these impacts.

The EIS should reflect the scientific consensus that fossil fuel combustion, including from motor vehicles in the United States, is elevating carbon dioxide levels in the atmosphere, and that is causing global temperatures to rise, and changing the climate and environmental conditions world-wide. There is a level of carbon dioxide concentration in the atmosphere that will cause abrupt and non-linear damaging consequences to the environment. NHTSA's analysis must acknowledge this in a manner that informs the agency and the public of the impact of motor vehicle emissions, and of NHTSA's CAFE standards, on carbon dioxide emissions, their effects, and the scientific understanding of the world's current trajectory towards cataclysmic climate change. These effects and their costs must be considered, along with the nation's need to conserve energy.

NHTSA should apply the principles of the Final Guidance on Considering Greenhouse Gas Emissions and Climate Change in NEPA Review in conducting this analysis.⁸⁷ Although the guidance itself has been withdrawn, it reflects core NEPA statutory requirements and case law; departing from it would render the EIS arbitrary and capricious.

NHTSA must also consider the impacts from increasing greenhouse gas concentrations on ecosystems, including:

⁸⁶ NHTSA, *Corporate Average Fuel Economy Standards Passenger Cars and Light Trucks Model Years 2017-2025, Final Environmental Impact Statement* (July 2012), Docket No. NHTSA-2011-0056-2089, pp. 5-2, available at <https://www.regulations.gov/document?D=NHTSA-2011-0056-2089>, last visited August 24, 2017.

⁸⁷ 81 Fed.Reg. 51,866 (August 5, 2016).

- With continued increases in greenhouse gas (GHG) emissions, there will be significant reductions in runoff water in California.⁸⁸
- In the Southwest U.S. over the past 50 years, climate change has contributed to decreased late winter precipitation in the form of snow, earlier snow melt, and earlier arrival of a high proportion of annual stream flow.^{89, 90}
- Ecosystems are crucial in buffering extreme climate events, such as wildfires and floods.⁹¹ For example, in the case of floods, climate change contributes to the loss of natural areas such as salt marshes and floodplain wetlands, which makes these areas more vulnerable to catastrophic damage from extreme events.⁹²
- Climate change-induced increases in wildfires are projected to result in up to a 74% increase in California burn areas, with the northern part of the state possibly doubling its risk by the end of the century, if GHG emissions are not abated.⁹³
- Climate change has led to changes in plant and animal species distributions.^{94, 95} If species are not able to keep up with these changes (for example, due to

⁸⁸ G. Garfin, A. Jardine, R. Merideth, M. Black, and S. LeRoy, Eds., *Assessment of Climate Change in the Southwest United States*, Island Press, ch. 6, Cayan, D., K. Kunkel, C. Castro, A. Gershunov, J. Barsugli, A. Ray, J. Overpeck, M. Anderson, J. Russell, R. B., R. I., and P. Duffy, pp. 153-196 (2013), available at <http://www.swcarr.arizona.edu/sites/all/themes/files/SW-NCA-color-FINALweb.pdf>, last visited August 24, 2017.

⁸⁹ Hidalgo, H. G., T. Das, M. D. Dettinger, D. R. Cayan, D. W. Pierce, T. P. Barnett, G. Bala, A. Mirin, A. W. Wood, C. Bonfils, B. D. Santer, and T. Nozawa, 2009: *Detection and attribution of streamflow timing changes to climate change in the western United States*. *Journal of Climate*, 22, 3838-3855, available at doi:10.1175/2009jcli2470.1, last visited August 24, 2017.

⁹⁰ Pierce, D. W., T. P. Barnett, H. G. Hidalgo, T. Das, C. Bonfils, B. D. Santer, G. Bala, M. D. Dettinger, D. R. Cayan, A. Mirin, A. W. Wood, and T. Nozawa, 2008: *Attribution of declining western US snowpack to human effects*. *Journal of Climate*, 21, 6425-6444, available at doi:10.1175/2008JCLI2405.1, last visited August 24, 2017.

⁹¹ Peters, D. P. C., A. E. Lugo, F. S. Chapin, III, S. T. A. Pickett, M. Duniway, A. V. Rocha, F. J. Swanson, C. Laney, and J. Jones, 2011: *Cross-system comparisons elucidate disturbance complexities and generalities*. *Ecosphere*, 2, 1-26, doi:10.1890/ES11-00115.1, available at <http://www.esajournals.org/doi/pdf/10.1890/ES11-00115.1>, last visited August 24, 2017.

⁹² Fitzgerald, D. M., M. S. Fenster, B. A. Argow, and I. V. Buynevich, 2008: *Coastal impacts due to sea-level rise*. *Annual Review of Earth and Planetary Sciences*, Annual Reviews, 601-647.

⁹³ Westerling, A. L., B. P. Bryant, H. K. Preisler, T. P. Holmes, H. G. Hidalgo, T. Das, and S. R. Shrestha, 2011: *Climate change and growth scenarios for California wildfire*. *Climatic Change*, 109, 445-463, available at doi:10.1007/s10584-011-0329-, last visited August 24, 2017.

⁹⁴ Chen, I.-C., J. K. Hill, R. Ohlemüller, D. B. Roy, and C. D. Thomas, 2011: *Rapid range shifts of species associated with high levels of climate warming*. *Science*, 333, 1024-1026, doi:10.1126/science.1206432, available at <http://www.sciencemag.org/content/333/6045/1024.abstract>, last visited August 17, 2017.

⁹⁵ Staudinger, M. D., S. L. Carter, M. S. Cross, N. S. Dubois, J. E. Duffy, C. Enquist, R. Griffiths, J. J. Hellmann, J. J. Lawler, J. O'Leary, S. A. Morrison, L. Sneddon, B. A. Stein, L. M. Thompson, and W. Turner, 2013: *Biodiversity in a changing climate: A synthesis of current and projected trends in the US*.

movement restrictions), they may face local extinction; thus, in combination with range shifts, the resulting mix of species may change drastically.^{96, 97, 98, 99}

- Invasive plant and insect species are likely to become more common.^{100, 101} Agricultural production will likely suffer; for example, the invasive yellow star-thistle, which is currently costing California annually \$17 million in forage and control efforts¹⁰² and \$75 million in water losses, is expected to increase with climate change.¹⁰³

Frontiers in Ecology and the Environment, 11, 465-473, doi:10.1890/120272, available at <http://onlinelibrary.wiley.com/doi/10.1890/120272/abstract>, last visited on August 17, 2017.

⁹⁶ Staudinger, M. D., N. B. Grimm, A. Staudt, S. L. Carter, F. S. Chapin, III, P. Kareiva, M. Ruckelshaus, and B. A. Stein, 2012: *Impacts of Climate Change on Biodiversity, Ecosystems, and Ecosystem Services. Technical Input to the 2013 National Climate Assessment*, p. 296, U.S. Geological Survey, Reston, VA, available at https://downloads.globalchange.gov/nca/technical_inputs/Biodiversity-Ecosystems-and-Ecosystem-Services-Technical-Input.pdf, last visited August 17, 2017.

⁹⁷ Wenger, S. J., D. J. Isaak, C. H. Luce, H. M. Neville, K. D. Fausch, J. B. Dunham, D. C. Dauwalter, M. K. Young, M. M. Elsner, B. E. Rieman, A. F. Hamlet, and J. E. Williams, 2011: *Flow regime, temperature, and biotic interactions drive differential declines of trout species under climate change. Proceedings of the National Academy of Sciences*, 108, 14175-14180, doi:10.1073/pnas.1103097108, available at <http://www.pnas.org/content/108/34/14175.full>, last visited August 17, 2017.

⁹⁸ Cheung, W. W. L., V. W. Y. Lam, J. L. Sarmiento, K. Kearney, R. Watson, and D. Pauly, 2009: *Projecting global marine biodiversity impacts under climate change scenarios. Fish and Fisheries*, 10, 235-251, doi:10.1111/j.1467-2979.2008.00315.x, available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-2979.2008.00315.x/abstract>, last visited August 17, 2017.

⁹⁹ Stralberg, D., D. Jongsomjit, C. A. Howell, M. A. Snyder, J. D. Alexander, J. A. Wiens, and T. L. Root, 2009: *Re-shuffling of species with climate disruption: A no-analog future for California birds? PLoS ONE*, 4, e6825, doi:10.1371/journal.pone.0006825, available at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0006825>, last visited August 17, 2017.

¹⁰⁰ Bradley, B. A., D. S. Wilcove, and M. Oppenheimer, 2010: *Climate change increases risk of plant invasion in the Eastern United States. Biological Invasions*, 12, 1855-1872, doi:10.1007/s10530-009-9597-y, available at <http://europemc.org/abstract/AGR/IND44367832/reload=0;jsessionid=geMUvZpMPs0zzRUz8D6h.2>, last visited August 17, 2017.

¹⁰¹ Raffa, K. F., B. H. Aukema, B. J. Bentz, A. L. Carroll, J. A. Hicke, M. G. Turner, and W. H. Romme, 2008: *Cross-scale drivers of natural disturbances prone to anthropogenic amplification: The dynamics of bark beetle eruptions. Bio-Science*, 58, 501-517, doi:10.1641/b580607, available at <https://academic.oup.com/bioscience/article/58/6/501/235938/Cross-scale-Drivers-of-Natural-Disturbances-Prone>, last visited August 17, 2017.

¹⁰² Eagle, A. J., M. E. Eiswerth, W. S. Johnson, S. E. Schoenig, and G. C. van Kooten, 2007: *Costs and losses imposed on California ranchers by yellow starthistle. Rangeland Ecology & Management*, 60, 369-377, available at [https://doi.org/10.2111/1551-5028\(2007\)60\[369:CALIOC\]2.0.CO;2](https://doi.org/10.2111/1551-5028(2007)60[369:CALIOC]2.0.CO;2), last visited August 24, 2017.

¹⁰³ Dukes, J. S., N. R. Chiariello, S. R. Loarie, and C. B. Field, 2011: *Strong response of an invasive plant species (Centaurea solstitialis L.) to global environmental changes. Ecological Application*, 21, 1887-

- Heat waves have become more frequent in the U.S., particularly in the West; tree ring data for this region suggest that drought during the past decade is the driest it has been for 800 years.^{104, 105}
- Models of sea level rise predict increases between about 2 feet to as much as 6 feet by 2100.^{106, 107, 108, 109}

As it did previously in its Final EIS for the 2017-2025 CAFE standards, NHTSA must consider how the existing and future standards result in emissions that are warming the planet, the cumulative emissions, and corresponding extent of warming and resulting impacts on the environment, human health, and the planet's ability to support life in the current fashion.

NOAA recently released a climate report showing that global temperatures reached record highs in 2016, topping 137 years of record-keeping and driving low levels of sea ice cover, glacial melting and high sea levels. This report shows the effect of human activity where, for the last 800,000 years, CO₂ concentrations have oscillated but

1894, doi:10.1890/11-0111.1, available at <http://www.esajournals.org/doi/pdf/10.1890/11-0111.1>, last visited August 17, 2017.

¹⁰⁴ Karl, T. R., J. T. Melillo, and T. C. Peterson, Eds., 2009: *Global Climate Change Impacts in the United States*. Cambridge University Press, p. 189, available at <http://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf>, last visited August 24, 2017.

¹⁰⁵ Schwalm, C. R., C. A. Williams, K. Schaefer, D. Baldocchi, T. A. Black, A. H. Goldstein, B. E. Law, W. C. Oechel, K. T. Paw, and R. L. Scott, 2012: *Reduction in carbon uptake during turn of the century drought in western North America*. *Nature Geoscience*, 5, 551-556, doi:10.1038/ngeo1529, available at <http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/33148/LawBeverlyForestryReductionCarbonUptake.pdf?sequence=1>, last visited August 24, 2017.

¹⁰⁶ Grinsted, A., J. C. Moore, and S. Jevrejeva, 2010: *Reconstructing sea level from paleo and projected temperatures 200 to 2100 AD*. *Climate Dynamics*, 34, 461-472, doi:10.1007/s00382-008-0507-2, available at <http://link.springer.com/article/10.1007/s00382-008-0507-2/fulltext.html>, last visited August 24, 2017.

¹⁰⁷ Jevrejeva, S., J. C. Moore, and A. Grinsted, 2012: *Sea level projections to AD2500 with a new generation of climate change scenarios*. *Global and Planetary Change*, pp. 80-81, 14-20, available at doi:10.1016/j.gloplacha.2011.09.006, last visited August 24, 2017.

¹⁰⁸ Rahmstorf, S., G. Foster, and A. Cazenave, 2012: *Comparing climate projections to observations up to 2011*. *Environmental Research Letters*, 7, 044035, doi:10.1088/1748-9326/7/4/044035, available at http://iopscience.iop.org/1748-9326/7/4/044035/pdf/1748-9326_7_4_044035.pdf, last visited August 24, 2017.

¹⁰⁹ Vermeer, M., and S. Rahmstorf, 2009: *Global sea level linked to global temperature*. *Proceedings of the National Academy of Sciences*, 106, 21527-21532, available at doi:10.1073/pnas.0907765106, last visited August 24, 2017.

peaked around 300 parts per million, but are now over 400 parts per million for the first time, and have risen dramatically in the short time of the industrial age.¹¹⁰

New records are being set for a number of climate indicators such as global average surface temperatures, Arctic sea ice retreat, CO₂ concentrations, and sea level rise. Additionally, a number of major scientific assessments have been released that improve understanding of the climate system and further strengthen the case that GHGs endanger public health and welfare both for current and future generations. These assessments, from the Intergovernmental Panel on Climate Change (IPCC), the U.S. Global Change Research Program (USGCRP), EPA, and the National Research Council (NRC), include:

- IPCC's 2012 Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX)
- The 2013-2014 Fifth Assessment Report (AR5)
- The USGCRP's 2014 National Climate Assessment
- Climate Change Impacts in the United States (NCA3)
- The NRC's 2010 Ocean Acidification: A National Strategy to Meet the Challenges of a Changing Ocean (Ocean Acidification)
- 2011 Report on Climate Stabilization Targets: Emissions, Concentrations, and Impacts over Decades to Millennia (Climate Stabilization Targets)
- 2011 National Security Implications for U.S. Naval Forces (National Security Implications)
- 2011 Understanding Earth's Deep Past: Lessons for Our Climate Future (Understanding Earth's Deep Past)
- 2012 Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future
- 2012 Climate and Social Stress: Implications for Security Analysis (Climate and Social Stress)
- 2013 Abrupt Impacts of Climate Change (Abrupt Impacts) assessments.¹¹¹

¹¹⁰ *State of the Climate in 2016, Special Supp. To the Bulletin of the American Meteorological Society*, Vol. 98, No. 8, Aug. 2017, available at

http://www.ametsoc.net/sotc2016/StateoftheClimate2016_lowres.pdf, last visited August 11, 2017.

¹¹¹ EPA cited these reports in its *Proposed Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emission Standards Under the Midterm Evaluation*, EPA-420-R-16-020, p. 12.

- Climate change indicators in the United States, 2016, Fourth edition, EPA 430-R-16-004

These reports show that climate change has the potential to significantly impact public health, including increases in heat illness and death, air pollution-related exacerbation of cardiovascular and respiratory diseases, injury and loss of life due to severe storms and flooding, increased vector-borne and water-borne diseases, and stress and mental trauma due to extreme weather-related catastrophes. California will suffer a variety of impacts as a result of emissions associated with the CAFE standards.¹¹² NHTSA must consider these impacts, in both California and worldwide.

The data and analyses show that the planet's anthropogenic CO₂ emissions will cause dangerous interference with the climate from feedback mechanisms that increase environmental impacts.¹¹³ NHTSA must consider whether the automobile manufacturing industry is doing its part to eliminate the threat to human life, and the planet as a whole, from operation of its products.

NHTSA must consider how total, absolute emissions and fuel consumption would increase even under the augural CAFE standards. NHTSA may not limit its analysis to relative changes. Total vehicle miles traveled will continue to rise independently of the CAFE standards, and NHTSA must consider the impact of this in connection with its standards. On the other hand, the CAFE standards will also have an impact on the sales volumes of alternatively-fueled vehicles of varying capability for zero-emission miles traveled. NHTSA must consider how the environmental impacts of its standards are affected by this dynamic.

G. Air Pollution Effects of the Standards Must Be Fully Analyzed and Disclosed.

Rates of fuel consumption impacted by the CAFE standards will have direct, indirect, and cumulative environmental impacts. The impacts NHTSA must consider include air pollution emissions, related non-monetized health impacts, criteria pollutant emissions and associated health impacts, and toxic and carcinogenic emissions and associated

¹¹² See, e.g., *LEV III ISOR* pp. 1, 77, 87 [morbidity and mortality], and 93 [air quality], available at <https://www.arb.ca.gov/regact/2012/leviiiighg2012/levisor.pdf>, last visited August 17, 2017.

¹¹³ See, e.g., Hansen, J., M. Sato, R. Ruedy, P. Kharecha, A. Lacis, R.L. Miller, L. Nazarenko, K. Lo, G.A. Schmidt, G. Russell, I. Aleinov, S. Bauer, E. Baum, B. Cairns, V. Canuto, M. Chandler, Y. Cheng, A. Cohen, A. Del Genio, G. Faluvegi, E. Fleming, A. Friend, T. Hall, C. Jackman, J. Jonas, M. Kelley, N.Y. Kiang, D. Koch, G. Labow, J. Lerner, S. Menon, T. Novakov, V. Oinas, J.P. Perlwitz, J. Perlwitz, D. Rind, A. Romanou, R. Schmunk, D. Shindell, P. Stone, S. Sun, D. Streets, N. Tausnev, D. Thresher, N. Unger, M. Yao, and S. Zhang, 2007: *Dangerous human-made interference with climate: A GISS modelE study*. *Atmos. Chem. Phys.*, 7, 2287-2312, doi:10.5194/acp-7-2287-2007, available at <https://pubs.giss.nasa.gov/abs/ha00210r.html>, last visited August 22, 2017.

health, species, and other environmental impacts. For example, these impacts were discussed in the Draft Technical Assessment Report:

The vehicles that are subject to this program are also significant sources of mobile source air pollution such as direct PM, NO_x, VOCs and air toxics, which are regulated by separate emissions standards programs. The program will affect exhaust emissions of these pollutants from vehicles and will also affect emissions from upstream sources that occur during the refining and distribution of fuel. Changes in ambient concentrations of ozone, PM_{2.5}, and air toxics that will result from the program are expected to affect human health by reducing premature deaths and other serious human health effects, as well as other important improvements in public health and welfare. (See also Table 10.12 PM-Related Benefits-per-ton Values (thousands, 2012\$).) Children especially benefit from reduced exposures to criteria and toxic pollutants, because they tend to be more sensitive to the effects of these respiratory pollutants. Ozone and particulate matter have been associated with increased incidence of asthma and other respiratory effects in children, and particulate matter has been associated with a decrease in lung maturation.

It is important to quantify the co-pollutant-related health and environmental impacts associated with the GHG standards because a failure to adequately consider these ancillary impacts could lead to an incorrect assessment of the standards' costs and benefits. Moreover, the health and other impacts of exposure to criteria air pollutants and airborne toxics tend to occur in the near term, while most effects from reduced climate change are likely to occur only over a time frame of several decades or longer.¹¹⁴

The reductions in GHG emissions and fuel consumption from the 2021 and augural standards were previously quantified in the Proposed Determination.¹¹⁵

The CAFE standards will impact fuel consumption, and thus may impact feedstock extraction, refinery operation to produce fuel, and fuel deliveries. These impacts may include the indirect impacts associated with fossil fuel production, because refinery operations may vary based upon the national demand for fossil fuels. Refinery emissions can give rise to a variety of volatile, semi-volatile and particulate air pollutants. These may be directly emitted (primary emissions), or formed in secondary atmospheric reactions. EPA's Emissions Estimations Protocol for Petroleum

¹¹⁴ *Draft TAR, supra*, pp. 10-36.

¹¹⁵ *Ibid.*, pp. 40-41.

Refineries¹¹⁶ provides “a listing of pollutants expected to be emitted by various sources” related to petroleum refineries. These include a variety of volatile organic compounds (VOCs) that are directly emitted and formed through secondary atmospheric reactions, such as benzene, 1,3-butadiene, formaldehyde, and acetaldehyde. Refinery emissions also include polycyclic aromatic hydrocarbons (PAHs) such as the semi-volatile naphthalene as well as particle bound PAHs such as benzo(a)pyrene, and metals such as lead, mercury, copper, and hexavalent chromium. NHTSA should consider whether and to what extent these environmental and health impacts of the fuel economy standards must be considered.

Changing fuel economy standards for gasoline vehicles will also impact emissions associated with fuel delivery to refueling stations. Since diesel vehicles almost exclusively deliver fuel to stations, these emissions will include diesel PM and NOx. Both contaminants contribute to fine particulate matter (PM_{2.5}), which is a criteria pollutant under the Clean Air Act for its significant health impacts.

These emissions are of special importance to California. California experiences some of the highest concentrations of PM_{2.5} in the nation.¹¹⁷ The majority of California’s population lives in areas that exceed the national and state PM_{2.5} air quality standards.¹¹⁸ These standards are set based upon assessments of scientific studies that link exposure to PM_{2.5} to health effects, including hospitalization due to respiratory illness, and premature death from cardiopulmonary disease.¹¹⁹ EPA has determined that exposure to PM_{2.5} plays a “causal” role in premature death, meaning that a substantial body of scientific evidence shows a relationship between PM_{2.5} exposure and increased mortality, a relationship that persists when other risk factors such as smoking rates and socioeconomic factors are taken into account.¹²⁰ NOx emissions impact human health because photochemical reactions convert some NOx into ammonium nitrate aerosol, a component of PM_{2.5}, and convert some NOx to ozone, a major constituent of smog and a potent lung irritant.

¹¹⁶ Available at www.epa.gov/air-emissions-factors-and-quantification/emissions-estimation-protocol-petroleum-refineries, last visited August 18, 2017.

¹¹⁷ U.S. EPA (2013), “Fine Particle Concentrations Based on Monitored Air Quality from 2009 – 2011,” available at <http://www.epa.gov/pm/2012/20092011table.pdf>, last visited August 17, 2017.

¹¹⁸ ARB (2013), available at http://www.arb.ca.gov/desig/adm/2013/state_pm25.pdf, last visited August 17, 2017 [area designations for state air quality standards].

¹¹⁹ ARB (2010), *Estimate of Premature Deaths Associated with Fine Particle Pollution (PM_{2.5}) in California Using a U.S. Environmental Protection Agency Methodology*, available at http://www.arb.ca.gov/research/health/pm-mort/pm-report_2010.pdf; U.S. EPA (2012), *Regulatory Impact Analysis for the Final Revisions to the National Ambient Air Quality Standards for Particulate Matter*, available at <http://www.epa.gov/ttn/ecas/regdata/RIAs/finalria.pdf>, last visited August 17, 2017.

¹²⁰ U.S. EPA (2010), *Quantitative Health Risk Assessment for Particulate Matter*, available at http://www.epa.gov/ttn/naaqs/standards/pm/data/PM_RA_FINAL_June_2010.pdf, last visited August 17, 2017.

Thus, as part of its air quality analysis, NHTSA must consider the effects of the CAFE standards, and the associated emissions standards, on public health and on the ability of the states to comply with federal, state, and local public health standards, including state and national ambient air quality standards. California, like many states (including the states that have adopted its standards), relies substantially on mobile source emissions reductions to comply with its obligations under the federal Clean Air Act and state law. If weakened CAFE standards complicate efforts to comply with these standards, public health will suffer. The states will also struggle to comply with Clean Air Act deadlines. These impacts, too, must be considered and fully disclosed in the EIS – including a comprehensive consideration of whether changes to the CAFE standards will impair attainment efforts with all relevant standards in all relevant air basins of the country. The states depend upon EPA and NHTSA to protect their residents; NHTSA may not determine its standards responsibly without fully disclosing these implications.

H. Further Considerations Weigh in Favor of Strong Standards.

Although CARB has focused on air quality impacts, NHTSA's EIS must, of course, be comprehensive. Additional Executive Orders and statutes will require a very full consideration of the impacts of any departure from the augural standards.

NEPA itself requires full disclosure of all environmental impacts. Other impacts NHTSA must consider include, but are not limited to, the impacts from fuel consumption and production on foreign and domestic fresh water resources, arable land, species, habitat, other natural resources, and local populations. Because the CAFE standards will influence emissions from mobile sources throughout the country, these disclosures must be comprehensive, and consider global, national, and regional impacts.

The needs of minority and low-income communities must also be accorded great weight. Per Executive Order 12898, as well as Title VI of the Civil Rights Act, NHTSA must also consider how the impacts of weakened CAFE standards impacts will be especially burdensome to disadvantaged communities.¹²¹ As discussed above, these communities are more susceptible to the effects of climate change on the availability of fresh water and food and extreme weather. They are disproportionately located near highways and other sources of vehicle pollution, thereby suffering more acute impacts. They are also disproportionately disadvantaged by high fuel costs, as such costs make up a higher proportion of demands upon their incomes. More efficient, durable, and

¹²¹ See, e.g., *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*, Exec. Order No. 12898, 59 Fed.Reg. 7629 (Feb. 11, 1994), as amended, 60 Fed.Reg. 6381 (January 30, 1995.)

lower-polluting vehicles are critical to the health and well-being of these communities. A proper balance of these factors will weigh heavily in support of strong standards.

Finally, we observe that the wide-ranging implications of the CAFE standards likely warrant full analysis under other federal statutes. These include the Endangered Species Act's section 7,¹²² given the direct effects, including effects of climate change that vehicle emissions have on endangered species and their habitat. "Each Federal agency" must consult with the Secretary of the Interior to ensure their activities are "not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat of such species."¹²³ As the Fish and Wildlife Service and many independent scientists have concluded, air pollution and climate change contribute substantially to biodiversity risk. NHTSA must consult with the Interior Secretary prior to taking action to weaken the CAFE standards.¹²⁴

¹²² 16 U.S.C. § 1536.

¹²³ 16 U.S.C. § 1536(a)(2).

¹²⁴ See, e.g., U.S. Fish and Wildlife Service, *Consequences for Wildlife*, Nov. 13, 2012, available at <https://www.fws.gov/home/climatechange/impacts.html>, last visited August 25, 2017:

A growing body of evidence has linked accelerating climate change with observed changes in fish and wildlife, their populations, and their habitats in the United States. Polar bear population declines have already been noted in Canada, and extirpations of Bay checkerspot butterfly populations in the San Francisco Bay area are also documented. Across the continental United States, climate change is affecting the migration cycles and body condition of migratory songbirds, causing decoupling of the arrival dates of birds on their breeding grounds and the availability of the food they need for successful reproduction.

Climate change has very likely increased the size and number of wildfires, insect outbreaks, pathogens, disease outbreaks, and tree mortality in the interior West, the Southwest, and Alaska. In the aquatic environment, evidence is growing that higher water temperatures resulting from climate change are negatively impacting cold- and cool-water fish populations across the country. Along our coasts, rising sea levels have begun to affect fish and wildlife habitats, including those used by shorebirds and sea turtles that nest on our coastal National Wildlife Refuges. In the oceans, subtropical and tropical corals in shallow waters have already suffered major bleaching events driven by increases in sea surface temperatures.

The Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report estimates that approximately 20-30 percent of the world's plant and animal species assessed as of 2006 are likely to be at increasingly high risk of extinction as global mean temperatures exceed a warming of 2 – 3°C above preindustrial levels. Global average temperature increases of 0.74°C are already documented, and temperature increases in some areas are projected to exceed 3.0°C over the next decade. The IPCC further concludes that substantial changes in structure and functioning of terrestrial ecosystems are very likely to occur with a global warming of more than 2-3°C above preindustrial levels. These changes will have predominantly negative consequences for biodiversity

Similarly, the National Historic Preservation Act requires that the “head of any Federal agency” embarking on a project, to “prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property.”¹²⁵ Climate change and air pollution imperil historic properties throughout the country via direct degradation, sea level rise, fire, flood, and other forms of harm. As former National Park Service Director Jon Jarvis explained: “[c]limate change poses an especially acute problem for managing cultural resources because they are unique and irreplaceable — once lost, they are lost forever. If moved or altered, they lose aspects of their significance and meaning.”¹²⁶ If NHTSA completes an undertaking that may further imperil these resources, it must properly consult with the relevant federal and state authorities and fully disclose any impacts.

In short: NHTSA’s decisions have sweeping implications that warrant full and careful disclosure. NHTSA’s best course is to continue with the augural standards, or strengthen them, to avoid these impacts.

IV. In Conclusion, CARB is Ready to Participate in Furthering Energy Conservation and Protecting Public Health and the Environment.

The National Environmental Policy Act analysis of the CAFE standards for model years 2022-2025, and for any change to the standards for model years 2021, must reflect the continued operation of the national program and recognize the severe environmental consequences that would result from any retreat. The NEPA analysis that NHTSA proposes appears to be cursory, and would neglect or obscure critical effects of

and ecosystem goods and services (e.g., water and food). The IPCC also reports that the resilience of many ecosystems around the world is likely to be exceeded this century by an unprecedented combination of climate change; disturbances associated with climate change, such as flooding, drought, wildfire, and insects; and other global change-drivers, including land-use changes, pollution, habitat fragmentation, urbanization, and growing human populations and economies. These projected changes have enormous implications for management of fish and wildlife and their habitats around the world.

Climate change has the potential to cause abrupt ecosystem changes and increased species extinctions.

See also Fish and Wildlife Service, *Climate Change Strategic Plan* (2010), available at <https://www.fws.gov/home/climatechange/pdf/ClimatePlanOverview.pdf>, last visited August 24, 2012.

¹²⁵ 54 U.S.C. § 306108.

¹²⁶ See National Park Service, *Preserving Coastal Heritage Summary Report* (2014), available at <http://www.achp.gov/docs/pch-summary-report.pdf>, last visited August 24, 2012.

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greenhouse gas emissions, among other sweeping environmental and economic impacts of altering these standards.

The science and engineering analyses supporting the established and augural CAFE standards set out to 2025 are thorough and sound. Any downwards departure from those standards would be arbitrary and capricious. NHTSA must fully disclose the impacts of the critical decision before it. CARB urges NHTSA to act responsibly and move forward with strong standards.

**Index to
Comments of the California Air Resources Board
Responding to
The National Highway Traffic Safety Administration's
Notice of Intent to Prepare an Environmental Impact Statement for
Model Year 2022–2025 Corporate Average Fuel Economy Standards
Docket No. NHTSA–2017–0069**

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| 26, 94 | 1024-1026 | Rapid range shifts of species associated with high levels of climate warming |
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| 27, 96 | 296 | Impacts of Climate Change on Biodiversity, Ecosystems, and Ecosystem Services. |
| 27, 97 | 14175–14180 | Flow regime, temperature, and biotic interactions drive differential declines of trout species under climate change |
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* Although specific pages are listed, the entire document is relevant to NHTSA's consideration.

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From: Mark Ryan
Sent: Mon 11/27/2017 11:56:37 PM
Subject: Re: Final details for next week's ALI CLE/ELI Clean Water Act conference

Thanks for the heads up on this, Chris. I hadn't heard it was out. Not a surprising result, but good to know.

-Mark



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Cc: Pamela McCutcheon

Subject: RE: Final details for next week's ALI CLE/ELI Clean Water Act conference

WOTUS people:

In case you haven't seen it yet, the Ninth Circuit's Robertson opinion is worth mentioning next week.

Best,

Chris

Chris Thomas | Perkins Coie LLP

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Cc: Pamela McCutcheon

Subject: Final details for next week's ALI CLE/ELI Clean Water Act conference

Dear Faculty,

To make sure that everyone is prepared for the upcoming *Clean Water Act* conference taking place next Monday-Tuesday, December 4-5, I wanted to reach out on a few final items:

1. **Conference location:** The course will be held in the offices of Hunton & Williams LLP, located at 2200 Pennsylvania Avenue NW. When you arrive at the building, please stop at the security desk in the lobby to have your name checked off a list and be cleared to access the elevators.
2. **Materials:** The book of course materials has been finalized and the link to download these materials will be sent out to registrants (and yourselves) tomorrow. If by chance you are preparing a last-minute PowerPoint, it will be placed in a separate "handouts" folder and then added to the e-book after the course has ended. Please send me any last-minute PowerPoints no later than Thursday, November 30, so that we can have it pre-loaded onto the laptop in the meeting room.

Speaking of materials --- don't forget that ALI CLE has gone green. There will NOT be paper copies of the course materials this year. You will receive the link that will be sent out, and you can choose to print it if you want, or save it to a tablet or laptop that you can bring to the course. We will have ample power strips in the rooms to keep you charged.

3. **Faculty Dinner:** We will have a faculty dinner on Monday evening, Dec. 4 at 6:00 at Founding Farmers, located at 1924 Pennsylvania Avenue NW, a short walk from H&W. Please let me know if you will be able to attend the dinner so that I can confirm the reservation. If I don't hear from you this week, I will assume that you are not able to attend.

4. **Networking Lunch:** On Monday we will be providing lunch to both faculty and registrants, so we hope that you will stay and network with the attendees.

5. **CLE Credit:** If you need CLE credit for your participation/attendance, please make sure that you put your name on the appropriate state sign-in sheets that will be out on tables for the duration of the program. You will receive the attendance certs by email after the course. We invite and encourage you to attend as much of the course as your schedule allows.

6. **Comp and discounted registrations:** If you have not yet done so, this is your final opportunity to sign up a colleague or contact to attend the program for free. Just send me their complete contact information, and we'll get them registered. Additional colleagues may attend at half price using the ALIFACULTY coupon code at registration ([online](#) or through ALI CLE customer service – 800-CLE-NEWS). This discount can also be used for the live video webcast.

If you have any questions in the coming days, please do not hesitate to contact me. Thank you in advance for the great contributions you've already made through your comprehensive written materials and preparations. I have no doubt that the course will be a valuable experience for everyone!

Amy S. Weinberg

Senior Program Attorney, Office of Content Production

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Sent: Tue 10/10/2017 5:28:22 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA053QM

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type

.
YOUR AMTRAK CONFIRMATION IS *489F2B*

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
 THE BCD TRAVEL TEAM AT 1-866-964-1346
 FOR OUTSIDE THE US CALL COLLECT 770-829-2609
 FOR THE HEARING IMPAIRED- PLEASE DIAL 711
 TO ACCESS RELAY SERVICE- PROVIDE PHONE
 NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL
 DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
 PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
 CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
 48 HOURS PRIOR TO SCHEDULED DEPARTURE
 PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
 ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
 THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
 THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
 INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
 CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
 RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

YOUR AMTRAK RESERVATION NUMBER IS .
 AMTRAK TICKETS ARE NON REFUNDABLE IF LOST OR STOLEN
 OR IF RESERVATION IS NOT CANCELED PRIOR TO DEPARTURE.
 AMTRAK CANCELLATION POLICIES VARY. FOR ADDITIONAL
 INFORMATION VISIT WWW.AMTRAK.COM OR CALL 800-835-8725
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 YOU WILL NOT RECEIVE A PAPER TICKET. PLEASE PROCEED TO A
 QUICK-TRAK KIOSK AND SWIPE YOUR CREDIT CARD TO PRINT
 YOUR TICKET FOR BOARDING
 CHECK-IN TIMES ARE 90 MINUTES PRIOR TO DEPARTURE
 FOR DOMESTIC FLIGHTS OR 120 MINUTES FOR INTERNATIONAL
 ELECTRONIC TICKET/S/ WILL BE ISSUED FOR THIS TRIP
 PENALTIES MAY APPLY FOR CHANGE/CANCELLATION
 CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL
 WITH YOUR TRAVEL CONSULTANT OR THE AIRLINES WEBSITE.
 DESTINATION. FOR THE LATEST INFORMATION PLEASE CHECK

10Oct/12:28PM

| Air | Car | Hotel | Rail | Other |
|---|-----|-------|-------------|-------|
| Unavailable | | | Unavailable | |
| All quotes are provider quotes excluding possible taxes and charges en route.
Currency conversions shown in
this itinerary receipt are done using the bank rate applicable at the date shown in the | | | | |

| |
|---|
| header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation. |
|---|

Advice to Passengers

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Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 10Oct/5:28 PM UTC

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without limitation, all cancellation fees. By utilizing the services represented by this itinerary, you agree to the foregoing and also agree that neither BCD Travel or its parent, affiliates, subsidiaries, partners, agents, and their respective officers, directors, employees, and representatives shall be or become liable for any loss, cost, expense, injury, accident, or damage to person or property resulting directly or indirectly from (i) the acts or omissions of Suppliers, including, but not limited to, delays or cancellation of services, cessation of operations, breakdown in machinery or equipment, or changes in fares, itineraries, or schedules; and/or (ii) acts of God, dangers incident to the sea, fires, acts of government or other authorities, wars, acts of terrorism, civil unrest, strikes, riots, thefts, pilferage, epidemics, quarantines, other diseases, climatic aberrations, or from any other cause beyond BCD Travel's control. Please see additional terms and conditions related to this itinerary at [Terms and Conditions](#).

To: heinzerl@law.georgetown.edu[heinzerl@law.georgetown.edu]; Dravis, Samantha[dravis.samantha@epa.gov]; eidt@gtlaw.com[eidt@gtlaw.com]; Michael.Myers@ag.ny.gov[Michael.Myers@ag.ny.gov]
Cc: 'juge@stanfordalumni.org'[juge@stanfordalumni.org]
From: Landis-Marinello, Kyle
Sent: Mon 7/17/2017 4:55:45 PM
Subject: RE: Introducing your co-panelists for the ABA SEER fall conference presentation

Hi Everyone,

It turns out we need to bump it to the next week to accommodate schedules. Please let me know your availability for a half-hour meeting during the afternoon of:

Tuesday, August 1

Wed, August 2

Thursday, August 3

Friday, August 4

Thanks,

Kyle

From: Landis-Marinello, Kyle
Sent: Thursday, July 13, 2017 3:01 PM
To: 'heinzerl@law.georgetown.edu' <heinzerl@law.georgetown.edu>; 'dravis.samantha@epa.gov' <dravis.samantha@epa.gov>; 'eidt@gtlaw.com' <eidt@gtlaw.com>; 'Michael.Myers@ag.ny.gov' <Michael.Myers@ag.ny.gov>
Cc: 'juge@stanfordalumni.org' <juge@stanfordalumni.org>
Subject: Introducing your co-panelists for the ABA SEER fall conference presentation

Lisa, Samantha, Troy, and Mike,

Welcome to our panel! Some of you already know each other, but consider this your official e-introduction to your co-panelists! As a reminder, the panel you'll be speaking on (description below) is at 2:15pm on Friday, October 20 in Baltimore. It's going to be AMAZING! Next step: let's all have a conference call soon to discuss the upcoming panel and come up with a game plan. Then I'll pretty much turn things over to your moderator, Lisa, to keep the ball moving forward. Please let me know your availability for a brief conference call the week of July 24-28. Thank you! -Kyle

Who's In Charge? The Evolving Role of Tribal, State, and Local Governments in Environmental, Energy, and Resources Regulation and Enforcement.

During the Obama administration, the federal government played an expanding and active role in regulation and enforcement of environmental, energy, and resources issues. The Trump administration, on the other hand, has taken a number of measures to reduce the federal role in these areas. As the federal government takes a step back, some tribal, state, and local governments are acting to fill the void in regulation and enforcement. But can they do so? What are the constitutional or other legal and practical barriers to tribal, state, and local regulation and enforcement? This panel will outline the historical division of authority among federal, tribal, state, and local governments; describe the role that lawyers play in challenges to relevant authority; and analyze current trends to reallocate that authority.

Moderator:

Lisa Heinzerling, Professor, Georgetown Law, Washington DC

Speaker:

Samantha Dravis, Administrator, Office of Policy, U.S. Environment Protection Agency, Washington, DC

Troy A. Eid, Greenberg Traurig LLP, Denver, CO

Michael J. Myers, Assistant Attorney General, New York Attorney General's Office, New York, NY

Kyle H. Landis-Marinello

Assistant Attorney General

Environmental Protection Division

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

(802) 828-1361

kyle.landis-marinello@vermont.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Mascarenhas, Brendan
Sent: Tue 9/12/2017 6:30:43 PM
Subject: Invitation to ACC Environmental Management Committee Meeting

Hello Samantha,

Hope all is well. My name is Brendan Mascarenhas, Director in ACC's Regulatory & Technical Affairs department for Environment issues. I recall that you visited ACC a few months ago to give our Environmental Management Committee an update on the beginning stages of EPA's regulatory reform activities. Our members were very appreciative of your time and input into EPA's path forward. Since then, I have taken over management of the Committee from Anna Burhop. In putting together our next meeting, a number of members expressed a strong desire to have you back for a follow-up discussion.

If you have the time, we would be thrilled to have you back for a follow-up on EPA's current status, expected next steps, and the means in which we can be helpful to you through that process. We have an in-person meeting scheduled for next Thursday, September 21st from 10 a.m. ET-3 p.m. ET. If you have any availability that day and could join us for a brief 15-30 minute update/Q&A (either over the phone or in-person), we would greatly appreciate it. I realize your schedule must be quite busy, but any time you (or one of your staff) had available would be perfect for us. Let me know when you get the chance. Thanks very much.

Regards,

Brendan

Brendan Mascarenhas | American Chemistry Council

Director, Regulatory and Technical Affairs

Brendan_Mascarenhas@americanchemistry.com

700 2nd Street NE | Washington, D.C. | 20002

O: (202) 249-6423

www.americanchemistry.com

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: GfK Custom Research
Sent: Mon 7/3/2017 12:30:04 PM
Subject: REMINDER: Survey about Trust in the Media

Greetings,

We are asking Washington's leaders and public servants to answer an exclusive study to better understand how you consume and share media generated news and content in your job.

We appreciate your feedback and participation. In exchange for your help, we will be happy to share the results of the study with you later this year, and GfK will donate \$20 to your choice of three charities: The Wounded Warrior Project, The American Cancer Society, or The American Heart Association.

Greetings,

Please click on the link below to get started.

<https://www.surveys.com/start.aspx?SurveyName=USC507516&ID=146665&ENC=C11ZUUBFKyNHk7J3rFqDq0CnDk>

If clicking on the link does not work, cut and paste the link into your browser. We look forward to hearing from you! Thank you in advance for your participation!

Should you have content or technical questions, please contact: chenderson@e.surveys.com.

To unsubscribe from ask GfK, please click here:

<https://unsubscribe.surveys.com/unsubscribe.aspx?r=146665&m=dravis.samantha@epa.gov&t=USC507516>

Thank you in advance for participating. We look forward to hearing from you.

For our in private policy please click on the link:

<http://www.gfk.com/us/Pages/Research-Participant-Privacy-Policy.aspx>

To reach us by mail:

Reach us by mail at:

GfK Panel Services

120 Eagle Rock Ave

Ste. 200

East Hanover, NJ 07936-9848

-

To: EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Mon 10/2/2017 7:17:55 PM
Subject: UPDATED 02Oct - Travel Receipt for DRAVIS/SAMANTHA K Travel date 04Oct
Travel Receipt Communication Attachment - SG552I - October 4 2017.PDF

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

To view your trip via Viewtrip, please click [here](#)

Printer Friendly

Total Amount: 34.30 USD

This ticket information applies to the following trip(s):

Delta Air Lines Flight 3437 from Washington DC to Cincinnati OH on October 04 (**Operated By: Endeavor Air Dba Delta Connection**)

Delta Air Lines Flight 6221 from Cincinnati OH to Washington DC on October 04 (**Operated By: Gojet Airlines Dba Delta Connection**)

ElectronicTicket Number: 0068611711277

Invoice Number: 000179983

Ticket Amount: 354.40 USD

Prior Ticket: 0068611711189

Old Ticket Value: 895.50 USD

Penalty/Exchange Fee: 0.00 USD

Add/Collect: 0.00 USD

Form of Payment: CA*****8060

Service Fee Number: 8900717869436

Service Fee Amount: 34.30 USD

Form of Payment: CA*****8060

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA054FG

| Date | From/To | Flight/Vendor | Status | Depart/Arrive | Class/Type |
|------------|---------|---------------|-----------|-------------------|-------------|
| 10/04/2017 | DCA-CVG | DL 3437* | Confirmed | 10:05 AM/11:39 AM | Economy / L |
| 10/04/2017 | CVG-DCA | DL 6221* | Confirmed | 04:00 PM/05:27 PM | Economy / L |

[Add to Calendar](#) [Need Help?](#)

Delta Air Lines Flight DL3437 Economy

[Online check-in](#)

Depart: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
10:05 AM Wednesday, October 4 2017

Arrive: Cincinnati, Ohio, United States
Terminal 3
11:39 AM Wednesday, October 4 2017

[Weather](#)

[Weather](#)

Duration: 1 hour(s) and 34 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: G6U69T
Equipment: Canadair Regional Jet 900
*Operated By: Endeavor Air Dba Delta Connection
Seat: 16C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 410 miles / 659.69 kilometers
CO2 Emissions: 180.4 lbs/82 kgs

Remarks: FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

[Add to Calendar](#) [Need Help?](#)

Delta Air Lines Flight DL6221 Economy

[Online check-in](#)

Depart: Cincinnati, Ohio, United States
04:00 PM Wednesday, October 4 2017
Arrive: Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
05:27 PM Wednesday, October 4 2017
Duration: 1 hour(s) and 27 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: G6U69T
Equipment: Canadair Regional Jet 700
*Operated By: Gojet Airlines Dba Delta Connection
Seat: 16C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

[Weather](#)

[Weather](#)

Distance: 410 miles / 659.69 kilometers
CO2 Emissions: 180.4 lbs/82 kgs

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
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FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL
DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
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PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
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THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
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RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

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YOUR HOTEL RESERVATION IN COLORADO SPRINGS DOES NOT MATCH
FLIGHT ITINERARY IF AN ERROR HAS OCCURRED
CONTACT US AT / 866-964-1346.
CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL
WITH YOUR TRAVEL CONSULTANT OR THE AIRLINES WEBSITE.
DESTINATION. FOR THE LATEST INFORMATION PLEASE CHECK

02Oct/02:17PM

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|---|-------------------------|---|--|---------------------------|
| Air | | | | |
| 354.40 USD | | | | |
| | | | | |
| Vendor | Fare information | Refund restrictions before departure | Change restrictions after ticketing | Ticket information |
| Air
DL3437* 04Oct
DL6221* 04Oct | Total:
USD 354.40 | REFUND
RESTRICTIONS MAY
APPLY | CHANGE
RESTRICTIONS MAY
APPLY | |
| All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation. | | | | |

Advice to Passengers

Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

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Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

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To view your trip via Viewtrip, please click [here](#)

Printer Friendly

Ticket Receipt

Total Amount: 34.30 USD

This ticket information applies to the following trip(s):

Delta Air Lines Flight 3437 from Washington DC to Cincinnati OH on October 09 **Operated By: Endeavor Air Dba Delta Connection)**

Delta Air Lines Flight 6221 from Cincinnati OH to Washington DC on October 09 **Operated By: Gojet Airlines Dba Delta Connection)**

ElectronicTicket Number: 0068611711277

Invoice Number: 000179983

Ticket Amount: 354.40 USD

Prior Ticket: 0068611711189

Old Ticket Value: 895.50 USD

Penalty/Exchange Fee: 0.00 USD

Add/Collect: 0.00 USD

Form of Payment: CA*****8060

Service Fee Number: 8900717869436

Service Fee Amount: 34.30 USD

Form of Payment: CA*****8060

Travel Summary – Agency Record Locator SG552I

Traveler

DRAVIS / SAMANTHA K

Reference number by traveler: TAA054FG

| Date | From/To | Flight/Vendor | Status | Depart/Arrive | Class/Type |
|------------|---------|---------------|-----------|-------------------|-------------|
| 10/04/2017 | DCA-CVG | DL 3437* | Confirmed | 10:05 AM/11:39 AM | Economy / L |
| 10/04/2017 | CVG-DCA | DL 6221* | Confirmed | 04:00 PM/05:27 PM | Economy / L |

AIR - Wednesday, October 4 2017 - Agency Record Locator SG552I[Add to Calendar](#) [Need Help?](#)**Delta Air Lines Flight DL3437 Economy**[Online check-in](#)

| | |
|-----------------------|---|
| Depart: | Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
10:05 AM Wednesday, October 4 2017 |
| Arrive: | Cincinnati/Northern Kentucky International Airport
Cincinnati, Ohio, United States
11:39 AM Wednesday, October 4 2017 |
| Duration: | 1 hour(s) and 34 minute(s) Non-stop |
| Status: | Confirmed - Delta Air Lines Record Locator:G6U69T |
| Equipment: | Canadair Regional Jet 900 |
| *Operated By: | Endeavor Air DBA Delta Connection |
| Seat: | 16C (Non smoking) Confirmed |
| FF Number: | XXXX016971 - DRAVIS/SAMANTHA K |
| Distance: | 410 miles / 659.69 kilometers |
| CO2 Emissions: | 180.4 lbs/82 kgs |
| Remarks: | FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
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PLEASE CHECK WWW.DELTA.COM |

AIR - Wednesday, October 4 2017 - Agency Record Locator SG552I[Add to Calendar](#) [Need Help?](#)**Delta Air Lines Flight DL6221 Economy**[Online check-in](#)

| | |
|-----------------------|---|
| Depart: | Cincinnati/Northern Kentucky International Airport
Cincinnati, Ohio, United States
04:00 PM Wednesday, October 4 2017 |
| Arrive: | Ronald Reagan National, Terminal B
Washington, District of Columbia, United States
05:27 PM Wednesday, October 4 2017 |
| Duration: | 1 hour(s) and 27 minute(s) Non-stop |
| Status: | Confirmed - Delta Air Lines Record Locator:G6U69T |
| Equipment: | Canadair Regional Jet 700 |
| *Operated By: | GoJet Airlines DBA Delta Connection |
| Seat: | 16C (Non smoking) Confirmed |
| FF Number: | XXXX016971 - DRAVIS/SAMANTHA K |
| Distance: | 410 miles / 659.69 kilometers |
| CO2 Emissions: | 180.4 lbs/82 kgs |

| Remarks |
|---|
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 WITH YOUR TRAVEL CONSULTANT OR THE AIRLINE'S WEBSITE.
 DESTINATION FOR THE LATEST INFORMATION PLEASE CHECK</p> |

02 Oct/02:17 PM

| Estimated trip total | | | | 354.40 USD |
|---|----------------------|--------------------------------------|-------------------------------------|--------------------|
| Air | Car | Hotel | Rail | Other |
| 354.40 USD | | | | |
| Fare details: Ticketed | | | | |
| Vendor | Fare information | Refund restrictions before departure | Change restrictions after ticketing | Ticket information |
| Air
DL3437* 04 Oct
DL6221* 04 Oct | Total:
USD 354.40 | REFUND RESTRICTIONS
MAY APPLY | CHANGE RESTRICTIONS
MAY APPLY | |
| All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation. | | | | |

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Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

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To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Messner, Kevin
Sent: Wed 11/22/2017 2:45:38 AM
Subject: RE: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)

FYI our Tweet below – Please let the Administrator know we are very appreciative –



From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Tuesday, November 21, 2017 3:03 PM
To: Messner, Kevin <KMessner@AHAM.org>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)

Of course- Happy to help.

Sent from my iPhone

On Nov 21, 2017, at 4:16 PM, Messner, Kevin <KMessner@AHAM.org> wrote:

Yeah!!! THANKS!!

From: Altan Gabbay [mailto:gabbay.altan@epa.gov]
Sent: Tuesday, November 21, 2017 2:09 PM
To: Messner, Kevin <KMessner@AHAM.org>
Subject: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)

SNAP Actions (Rule 22)

On November 20, 2017, EPA Administrator Scott Pruitt signed a Direct Final Rule and an accompanying Notice of Proposed Rulemaking titled, "Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards." This action modifies the use conditions required for use of three flammable refrigerants: isobutane (R-600a), propane (R-290), and R-441A, in new household refrigerators, freezers, and combination refrigerators and freezers under the Significant New Alternatives Policy (SNAP) program. The use conditions, which address safe use of flammable refrigerants, are being revised to reflect the recently updated UL Standard 60335-2-24 that is incorporated by reference. This action will provide greater flexibility to appliance manufacturers by allowing for a larger refrigerant charge size of 150 g for flammable refrigerants while ensuring the refrigerants are safely used.

An advance copy of the final rule and concurrent notice of proposed rulemaking (Rule 22) is available at www.epa.gov/snap/snap-regulations, which will be updated once these rules are published in the Federal Register. To view the public docket, visit www.regulations.gov and search for docket number EPA-HQ-OAR-2017-0472.

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us_epa_ozone_layer_protection_news-Owner@lists.epa.gov -----

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: The Washington Post
Sent: Thur 11/16/2017 7:14:33 PM
Subject: Subj: Sustainability leaders from Apple, Jet Blue, C40 Cities, Lonely Whale and more talk efforts in public and private sector

HIGHLIGHTS



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Newberry, Edward
Sent: Tue 8/29/2017 4:32:49 PM
Subject: Fwd: PotashCorp

Just following up. Hope you had a good weekend.

Ed

Sent from my iPhone

Begin forwarded message:

From: "Newberry, Edward" <edward.newberry@squirepb.com>
Date: August 25, 2017 at 5:04:13 PM EDT
To: "dravis.samantha@epa.gov" <dravis.samantha@epa.gov>
Cc: "Winters, Karen A." <karen.winters@squirepb.com>, "Jessica.DeMonte@potashcorp.com" <Jessica.DeMonte@potashcorp.com>
Subject: PotashCorp

Sam,

Thanks for talking with me earlier this week. We represent PotashCorp, the largest fertilizer company in the world producing potash, nitrogen and phosphate. Its subsidiary PCS Phosphate, has two phosphate mines in the US, one of which is located in Aurora, North Carolina.

As we discussed, we'd like to come in and visit with you, Brittany and Mandy Gunasakara about a rule implemented during the Obama-era. See *Phosphoric Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing*, 80 Fed. Reg. 50386 (August 19, 2015). The rule establishes mercury emissions limits for existing calciners (a calciner is a rotating steel cylinder used to heat and process the phosphate rock). The Aurora calciners are the only calciners in the country subject to the limit. The mercury limit is based on a statistically limited data set not representative of existing conditions. The limit also fails to take into account the variability of the mercury in the phosphate rock, which PCS Phosphate has no ability to control.

In setting the limit, US EPA determined that there was no adverse health risk associated with mercury emissions from the Aurora facility. EPA's Research Triangle Park office has expressed interest in working with PCS Phosphate to revise the limits, but has indicated they need direction from EPA headquarters.

The issue is critical because the projected cost of emissions controls may impact the viability of the facility, along with the jobs of its 850 employees and the hundreds of collateral businesses and jobs that support the facility and its operations. Moreover, controls are untested and may in fact prove not to be feasible.

North Carolina has already provided PCS Phosphate with what relief they can, however a new limit must be set and addressed through a rule revision on the federal level.

I would appreciate it if you were able to meet with me and my partner, Karen Winters, along with Jessica DeMonte, senior counsel for PCS. We are flexible on scheduling however anytime next Wednesday or Thursday or the week of September 11 would be best.

Thanks again. I look forward to seeing you.

Ed

46 Offices in 21 Countries

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#US

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; DeMocker, Jim[DeMocker.Jim@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; cookleila@ymail.com[coogleila@ymail.com]; Charmley, William[charmley.william@epa.gov]
From: Gunasekara, Mandy
Sent: Mon 8/14/2017 7:58:23 PM
Subject: RE: Revised letter to trailer petitioners

Great – thank you for the update.

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 11:41 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; cookleila@ymail.com; Charmley, William <charmley.william@epa.gov>
Subject: RE: Revised letter to trailer petitioners

No—we haven't sent that but I spoke with Bill Charmley (cc'd today) and he's working on the revised version now. Ben

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 11:38 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; cookleila@ymail.com
Subject: RE: Revised letter to trailer petitioners

Have you sent the draft gliders letter?

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 11:36 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; coogleila@ymail.com
Subject: RE: Revised letter to trailer petitioners

Got it—we will be moving it through OAR. Ben

From: Dravis, Samantha
Sent: Monday, August 14, 2017 11:05 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: Re: Revised letter to trailer petitioners

OAR needs to send it through the process and I will autopen it

Sent from my iPhone

On Aug 14, 2017, at 10:58 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Great- let's get this letter processed. I'd like to have it teed up for signature tomorrow morning.

Sent from my iPhone

On Aug 14, 2017, at 10:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

This looks good to me, thanks.

From: Gunasekara, Mandy

Sent: Monday, August 14, 2017 9:04 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

I added on additional edit. Brittany, do you have any edits?

From: Baptist, Erik
Sent: Monday, August 14, 2017 8:58 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Revised letter to trailer petitioners

Mandy and Ben,

Attached please find a couple minor suggested edits.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin

Sent: Friday, August 11, 2017 1:56 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka,
Mark <Kataoka.Mark@epa.gov>

Subject: Revised letter to trailer petitioners

Erik and Mandy:

Attached is a revised letter to the trailer petitioners for your review, pursuant to our discussion yesterday. We'll send you a revised glider response to petitioners early next week.

Thanks,

Ben

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Munoz, Darrin R.
Sent: Mon 6/26/2017 1:38:02 PM
Subject: RE: Thank You for Uranium Meeting

Thank you Samantha!

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com [Download vCard](#)
D: +1 202 312 7468

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Sunday, June 25, 2017 9:28 PM
To: Munoz, Darrin R.
Subject: Re: Thank You for Uranium Meeting

Hi Darrin, I'll check on this tomorrow.

Sent from my iPad

On Jun 23, 2017, at 1:35 PM, Munoz, Darrin R. <Darrin.Munoz@FaegreBD.com> wrote:

Hi Samantha,

Just wanted to check back in on this. Thank you for your time.

Darrin R. Munoz
Director
darrin.munoz@FaegreBD.com [Download vCard](#)
D: +1 202 312 7468

Faegre Baker Daniels LLP
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Munoz, Darrin R.
Sent: Tuesday, June 06, 2017 11:56 AM
To: 'dravis.samantha@epa.gov'

Subject: FW: Thank You for Uranium Meeting

Hello Samantha,

I wanted to make sure you saw this and also to see if there is anything else we can do on our end to help schedule a meeting. Thanks so much.

Darrin R. Munoz

Director

darrin.munoz@FaegreBD.com [Download vCard](#)

D: +1 202 312 7468

Faegre Baker Daniels LLP

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Munoz, Darrin R.

Sent: Tuesday, May 30, 2017 3:24 PM

To: 'dravis.samantha@epa.gov'

Cc: 'Benjamin Klein'

Subject: FW: Thank You for Uranium Meeting

Samantha,

Thanks for getting back to me! They haven't asked for a specific date, obviously we would like to get one set up before the July 15th deadline but they are really flexible on the exact time.

Also, if it works better for the Administrator we could meet in one of the states where the producers operate such as Denver or Salt Lake City if he is out that way. I've cc'd Ben Klein who works for UPA as well as attached the letter from them requesting a meeting with Administrator Pruitt for your convenience.

Thanks again for your help.

Darrin R. Munoz

Director

darrin.munoz@FaegreBD.com [Download vCard](#)

D: +1 202 312 7468

Faegre Baker Daniels LLP

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]

Sent: Tuesday, May 30, 2017 2:34 PM

To: Munoz, Darrin R.

Subject: RE: Thank You for Uranium Meeting

Darrin,

Do you know when in June they requested? The Administrator has a ton of travel going on in June so it could be a tough month.

<UPA - Pruitt Meeting Request 5.08.17.pdf>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Marie Sanderson
Sent: Fri 10/13/2017 9:07:16 PM
Subject: EEI
2017 External Affairs Draft Agenda_Public BV.DOCX

Sam- per our conversation- please see attachd? The panel in discussion is Wednesday morning.
Happy to discuss audience etc!

Best,

Marie

To: Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Michael Allegretti[michael.allegretti@rubiconglobal.com]
From: David Rachelson
Sent: Thur 10/26/2017 9:52:27 PM
Subject: Re: Introduction - Millan Hupp and Nate Morris

Lincoln,

No worries! The below plan sounds great. I've moved Nate and his EA, Monique, to bcc while Michael Allegretti and myself work with you and Samantha to locate a convenient time for the prep call before the next meeting with the Administrator.

Samantha,

It's very nice to e-meet, and we look forward to speaking soon. Could you please provide convenient times for a phone call starting the week of November 13th?

Best regards,

-David

From: "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>
Date: Wednesday, October 25, 2017 at 1:47 PM
To: David Rachelson <david.rachelson@rubiconglobal.com>, "Ford, Hayley" <ford.hayley@epa.gov>, Nate Morris <NRM80@rubiconglobal.com>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: Monique Williams <Monique.Williams@rubiconglobal.com>, Michael Allegretti <michael.allegretti@rubiconglobal.com>
Subject: RE: Introduction - Millan Hupp and Nate Morris

Good afternoon David –

I apologize for just responding, but wanted to touch base on a future meeting with the Administrator. As he mentioned in the meeting, it would be good to set up a phone call with Samantha Dravis, who heads our policy office to bring her up to speed on what was discussed.

Let's aim to do that call in mid-November and look at the first week of December for a follow-up with the Administrator.

Let me know your thoughts and we will move forward with scheduling.

Thanks again,
Lincoln

Lincoln Ferguson

Senior Advisor to the Administrator

U.S. EPA

(202) 564-1935

From: David Rachelson [mailto:david.rachelson@rubiconglobal.com]

Sent: Monday, October 23, 2017 8:30 AM

To: Ford, Hayley <ford.hayley@epa.gov>; Nate Morris <NRM80@rubiconglobal.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Cc: Monique Williams <Monique.Williams@rubiconglobal.com>; Michael Allegretti <michael.allegretti@rubiconglobal.com>

Subject: Re: Introduction - Millan Hupp and Nate Morris

Hi Hayley,

Thanks for your message, and just as importantly, your assistance ensuring that our visit with Administrator Pruitt went smoothly. We were incredibly grateful for his time.

I had spoken with Lincoln Ferguson as well prior to our departure, and we discussed a prep meeting with EPA's policy lead to discuss an agenda and objectives for the next in-person meeting. For this conversation, we'd love to involve Rubicon's SVP, Policy and Strategic Initiatives, Michael Allegetti. Michael is on paternity leave until November 15th, but perhaps we could aim to have the pre-meeting call around then, and once that happens, identify time with the Administrator and appropriate support staff. I've also included Lincoln on this message in case he has anything to add or amend.

Please let us know how this plan sounds on your end, and thanks again!

Best regards,

-David

David Rachelson | **RUBICON GLOBAL** | Vice President of Sustainability

T (678) 906-2601

David.Rachelson@RubiconGlobal.com | www.RubiconGlobal.com

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From: "Ford, Hayley" <ford.hayley@epa.gov>
Date: Friday, October 20, 2017 at 3:21 PM
To: Nate Morris <NRM80@rubiconglobal.com>, David Rachelson
<david.rachelson@rubiconglobal.com>
Cc: Monique Williams <Monique.Williams@rubiconglobal.com>
Subject: RE: Introduction - Millan Hupp and Nate Morris

Hello Nate and David,

It was great meeting you this week and appreciate the time you took to come up to DC and meet with the Administrator. Per our conversation, I wanted to reach out regarding a follow-up meeting. I understand you'd be coming up for this, so please let me know if there is a good time where you are already planning to be in the area. Otherwise, the week of Oct 30 through Nov 3 would be a good week for us. Let me know if any date that week works for you.

Thanks and we look forward continuing the conversation!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Monique Williams [<mailto:Monique.Williams@rubiconglobal.com>]
Sent: Thursday, October 5, 2017 5:32 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Nate Morris <NRM80@rubiconglobal.com>; Michael Allegretti <michael.allegretti@rubiconglobal.com>; David Rachelson <david.rachelson@rubiconglobal.com>
Subject: RE: Introduction - Millan Hupp and Nate Morris

Hi Hayley,

3:00pm on 10/18 is perfect! Thank you for the information. Also, our Head of Sustainability, David Rachelson will be joining the meeting.

Warm regards,

Monique

Monique Williams | RUBICON GLOBAL | Executive Assistant

T (678) 906-2601 | T (678) 540-1304 (Direct) | M (678) 230-2516

monique.williams@RubiconGlobal.com | www.RubiconGlobal.com

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From: Ford, Hayley [<mailto:ford.hayley@epa.gov>]
Sent: Thursday, October 05, 2017 3:21 PM

To: Monique Williams <Monique.Williams@rubiconglobal.com>
Cc: Nate Morris <NRM80@rubiconglobal.com>; Michael Allegretti
<michael.allegretti@rubiconglobal.com>; David Rachelson
<david.rachelson@rubiconglobal.com>
Subject: RE: Introduction - Millan Hupp and Nate Morris

Monique,

Great, let's do 3PM on Oct 18. Yes, I believe we were discussing an in-person meeting at EPA headquarters. Please confirm that Nate would be available to be in DC for this meeting.

We are located at 1200 Pennsylvania Ave NW in DC. He can enter the South lobby of the EPA headquarters and ask for Cheryl Woodward. She will come down and escort him to the Administrator's office.

Please let me know if you need anything else.

Thank you!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Monique Williams [<mailto:Monique.Williams@rubiconglobal.com>]
Sent: Thursday, October 5, 2017 2:35 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Cc: Nate Morris <NRM80@rubiconglobal.com>; Matthew Swift <mas@concordia.net>;
Michael Allegretti <michael.allegretti@rubiconglobal.com>; Ferguson, Lincoln
<ferguson.lincoln@epa.gov>; David Rachelson <david.rachelson@rubiconglobal.com>
Subject: RE: Introduction - Millan Hupp and Nate Morris

Hi Hayley,

No worries at all. Nate Morris is available to meet on the afternoon on Oct. 18th. Just to double check, this will be a meeting not a call correct?

Kind regards,

Monique

Monique Williams | RUBICON GLOBAL | Executive Assistant

T (678) 906-2601 | T (678) 540-1304 (Direct) | M (678) 230-2516

monique.williams@RubiconGlobal.com | www.RubiconGlobal.com

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From: Ford, Hayley [<mailto:ford.hayley@epa.gov>]
Sent: Wednesday, October 04, 2017 4:12 PM
To: Hupp, Millan <hupp.millan@epa.gov>; Monique Williams <Monique.Williams@rubiconglobal.com>
Cc: Nate Morris <NRM80@rubiconglobal.com>; Matthew Swift <mas@concordia.net>; Michael Allegretti <michael.allegretti@rubiconglobal.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Introduction - Millan Hupp and Nate Morris

Hi Monique,

I apologize for the delay in my response. Oct 16 afternoon, Oct 18, Oct 24, and Oct 25 afternoon would be good dates for the Administrator. Let me know if any of those work for Nate's schedule.

Thank you!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Hupp, Millan
Sent: Monday, October 2, 2017 6:36 PM
To: Monique Williams <Monique.Williams@rubiconglobal.com>

Cc: Nate Morris <NRM80@rubiconglobal.com>; Matthew Swift <mas@concordia.net>; Michael Allegretti <michael.allegretti@rubiconglobal.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: Re: Introduction - Millan Hupp and Nate Morris

Monique,

I want to loop in Hayley Ford who is handling the Administrator's schedule. She will help us to find a good time to schedule this meeting.

Thank you so much for following up,

Millan

Sent from my iPhone

On Oct 2, 2017, at 5:14 PM, Monique Williams <Monique.Williams@rubiconglobal.com> wrote:

Hi Millan,

It is a pleasure to be connected. I would like to introduce myself, I am the assistant to Nate Morris at Rubicon. I would like to follow-up on the email below and see if there is a good time that works best with you and Lincoln Ferguson.

Kind regards,

Monique

Monique Williams | **RUBICON GLOBAL** | Executive Assistant

T (678) 906-2601 | T (678) 540-1304 (Direct) | M (678) 230-2516

monique.williams@RubiconGlobal.com | www.RubiconGlobal.com

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From: Nate Morris
Sent: Wednesday, September 27, 2017 3:32 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Cc: Matthew Swift <mas@concordia.net>; Michael Allegretti <michael.allegretti@rubiconglobal.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Monique Williams <Monique.Williams@rubiconglobal.com>
Subject: Re: Introduction - Millan Hupp and Nate Morris

Hi Millan,

It's a pleasure to be in touch with you! We are very excited to connect. I'm sure we will find a time that works best for your schedule. Until then, if you have any questions, my personal number is 859 494 4218. I look forward to connecting with you!

All the best,

Nate

On Sep 27, 2017, at 11:08 AM, Hupp, Millan <hupp.millan@epa.gov> wrote:

Nate,

It is a wonderful pleasure to meet you via email. Thank you Matt, for the introduction.

We would be delighted to explore times on the Administrator's calendar for an introductory meeting. I am going to loop in the Administrator's Senior Advisor, Lincoln Ferguson, as well as he typically sits in on the Administrator's meetings.

Kindly let us know some time that might work for you or if you'd prefer we offer a few.

Thank you so much,

Millan Hupp

Sent from my iPhone

On Sep 26, 2017, at 6:41 AM, Matthew Swift <mas@concordia.net> wrote:

Millan,

Allow me to introduce you to my friend Nate Morris. Nate is the co-founder and CEO of Rubicon Global.

As discussed, I think it would be great for Nate and the Administrator get together and Nate would be happy to come to Washington to meet. I have also cc'd Michael Allegretti, on Nate's team.

Nate,

Millan is a good friend and I have gotten to know her and the Administrator over the last few years. They are doing some very important things at EPA and I think it would be great for you and the Administrator to meet. Scott is also from Kentucky - so I know that is always the best base for a friendship!

Warm Regards,

Matt

--

Matthew Swift

Co-Founder, Chairman & CEO

21 West 46th Street New York, NY 10036
Office: **(646) 568-1389** | Cell: **(646) 630-5504**
concordia.net

Confidentiality Note: This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Stutchman, Audrey F[Audrey.F.Stutchman@conocophillips.com]
From: Avery, Kevin J
Sent: Tue 7/11/2017 3:00:07 PM
Subject: Meeting Request

Samantha –

I left you a voice message to request a meeting next Wednesday, July 19. Scott Jepsen will be in town to testify before the House Energy and Minerals Subcommittee on Tuesday and I wanted to bring him in to discuss the Small Remote Incinerators issue. We have talked a little about this previously and we wanted to follow up. Scott is Vice President of External Affairs for ConocoPhillips Alaska and has been with the company for a very long time. His schedule is wide open on Wednesday next week. We would welcome the opportunity to meeting with you.

Thank you very much for your consideration of this request.

KJA

Kevin J. Avery

Manager, Federal Government Affairs

ConocoPhillips

325 7th Street, N.W., 12th Floor

Washington, D.C. 20004

202-833-0914 (Direct)

202-304-0467 (Mobile)

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Tue 8/1/2017 12:57:02 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

Your Auth AUTH208536-1 was just stamped CREATED by
DELORIS WINGO-HUNTLEY.

You can access ConcurGov at: <https://cge.concursolutions.com>



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Thur 7/27/2017 5:46:05 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

A Concur document for SAMANTHA DRAVIS, TAA04PT8, Vch with a trip departure date of 07/17/17 has been stamped RETURNED by PENNINGTON, SHAUN and is now awaiting your action.

You can access ConcurGov at: <https://cge.concursolutions.com>

□

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Thur 8/17/2017 11:39:34 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA04VK0

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
08/31/2017 DCA- DL 1726 Confirmed 05:32 PM/08:15 PM Economy / M
LAX
08/31/2017 LAX- DL 41 Confirmed 10:46 PM/06:50 AM +2 Business / D
SYD
09/06/2017 SYD- DL 40 Confirmed 1:15 AM/08:05 AM Business / D
LAX
09/06/2017 LAX- DL 1343 Confirmed 1:41 AM/07:11 PM Economy / M
DTW
09/06/2017 DTW- DL 1653 Confirmed 07:55 PM/09:26 PM Economy / M
DCA

Delta Air Lines Flight DL1726 Economy

Depart: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States
05:32 PM Thursday, August 31 2017

Arrive: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
08:15 PM Thursday, August 31 2017

Duration: 5 hour(s) and 43 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX

Meal: Dinner
Equipment: Boeing 757-200 (winglets) Passenger
Seat: 36F (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 2304 miles / 3707.136 kilometers
CO2 Emissions: 861.7 lbs/391.68 kgs

Remarks: AN AISLE SEAT IS NOT AVAILABLE
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

Delta Air Lines Flight DL41 Business

Depart: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
10:46 PM Thursday, August 31 2017

Arrive: Kingsford Smith, 1 - Terminal 1 (International) [Weather](#)

Sydney, New South Wales, Australia
06:50 AM Saturday, September 2 2017

.
Duration: 15 hour(s) and 4 minute(s) Non-stop
Total duration: **23 hour(s) and 18 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 11A (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs
.

.
Delta Air Lines Flight DL40 Business

.
Depart: Kingsford Smith, 1 - Terminal 1 (International)
Sydney, New South Wales, Australia
11:15 AM Wednesday, September 6 2017
Arrive: Los Angeles International Airport, Terminal 2
Los Angeles, California, United States
08:05 AM Wednesday, September 6 2017

[Weather](#)

[Weather](#)

.
Duration: 13 hour(s) and 50 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 11A (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs
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Delta Air Lines Flight DL1343 Economy

.
Depart: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
Wayne County, EM - E.M. McNamara [Weather](#)
Arrive: Terminal
Detroit, Michigan, United States
07:11 PM Wednesday, September 6 2017
.
Duration: 4 hour(s) and 30 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Food For Purchase
Equipment: Boeing 757-300 Passenger
Seat: 38C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 1974 miles / 3176.166 kilometers
CO2 Emissions: 868.56 lbs/394.8 kgs
.

Delta Air Lines Flight DL1653 Economy

.
Depart: Wayne County, EM - E.M. McNamara [Weather](#)
Terminal
Detroit, Michigan, United States
07:55 PM Wednesday, September 6 2017
Arrive: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States
09:26 PM Wednesday, September 6 2017
.
Duration: 1 hour(s) and 31 minute(s) Non-stop
Total duration: **24 hour(s) and 10 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Equipment: Airbus Industrie A319
Seat: 23C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs
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THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
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CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

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SOME CARRIERS REQUIRE CANCELLATION PRIOR TO DEPARTURE
OR YOUR TICKET MAY HAVE NO VALUE. CALL THE TRAVEL OFFICE
FOR CHANGES OR CANCELLATION OF THIS TRIP
CHECK WWW.CDC.GOV/TRAVEL FOR TRAVEL HEALTH ADVISORIES
PROPER DOCUMENTATION IS REQUIRED FOR ENTRY INTO
ARRIVAL COUNTRY
CHECK WWW.DHS.GOV/TRAVEL-ALERTS
FOR COUNTRY TRAVEL ADVISORIES

17Aug/06:39PM

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| Air | Car | Hotel | Rail | Other |
| 14,241.66 USD | | | | |
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| Vendor | Fare information | Refund restrictions before departure | Change restrictions after ticketing | Ticket information |
| Air
DL1726 31Aug
DL41 31Aug
DL40 06Sep
DL1343 06Sep
DL1653 06Sep | Total:
USD 14,241.66 | REFUND
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Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 17Aug/11:39 PM UTC

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To: Amy Weinberg[aweinberg@ali-cle.org]; 'Bulleit, Kristy'[kbulleit@hunton.com]; 'Rachel Jean-Baptiste'[jean-baptiste@eli.org]; Lindley, Tom (Perkins Coie)[TLindley@perkinscoie.com]; 'Brown, Samuel L. (SIBrown@hunton.com)')[SIBrown@hunton.com]; 'Iwilcher@elpolaw.com'[Iwilcher@elpolaw.com]; Julia Anastasio[janastasio@acwa-us.org]; 'Boer, J. Tom (JTBoer@hunton.com)')[JTBoer@hunton.com]; 'Cynthia S Campbell (cynthia.campbell@phoenix.gov)')[cynthia.campbell@phoenix.gov]; jeanne.christie@aswm.org[jeanne.christie@aswm.org]; 'GTCroot@imesacorp.com'[GTCroot@imesacorp.com]; 'kdonovan@mwdh2o.com'[kdonovan@mwdh2o.com]; Dravis, Samantha[dravis.samantha@epa.gov]; 'Duncan, Deidre'[dduncan@hunton.com]; 'Pamela Esterman'[pesterman@sprlaw.com]; 'Daniel Estrin (destrin@waterkeeper.org)')[destrin@waterkeeper.org]; Ford, Peter[Ford.Peter@epa.gov]; 'david.fotouhi@epa.gov'[david.fotouhi@epa.gov]; 'Jan Goldman-Carter'[goldmancarterj@nwf.org]; 'ragu-jara.gregg@usdoj.gov'[ragu-jara.gregg@usdoj.gov]; 'david@davidguestlaw.net'[david@davidguestlaw.net]; 'elin@hunton.com'[elin@hunton.com]; 'Charlie Logue (charlie.logue@alexrenew.com)')[charlie.logue@alexrenew.com]; 'mlopez@nezperce.org'[mlopez@nezperce.org]; 'hmeltzer@law.nyc.gov'[hmeltzer@law.nyc.gov]; 'jennifer.a.moyer@usace.army.mil'[jennifer.a.moyer@usace.army.mil]; 'jmueller@cbf.org'[jmueller@cbf.org]; Nagle, Deborah[Nagle.Deborah@epa.gov]; 'ruizg@si.edu'[ruizg@si.edu]; 'mr@ryankuehler.com'[mr@ryankuehler.com]; 'jerry_schwartz@afandpa.org'[jerry_schwartz@afandpa.org]; 'Tack, Jon (jon.tack@dnr.iowa.gov)')[jon.tack@dnr.iowa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Weinberg, Meredith (Perkins Coie)[MWeinberg@perkinscoie.com]
Cc: Pamela McCutcheon[pmccutcheon@ali-cle.org]
From: Thomas, Christopher D. (Perkins Coie)
Sent: Mon 11/27/2017 11:42:49 PM
Subject: RE: Final details for next week's ALI CLE/ELI Clean Water Act conference document pm 01.pdf

WOTUS people:

In case you haven't seen it yet, the Ninth Circuit's Robertson opinion is worth mentioning next week.

Best,

Chris

Chris Thomas | Perkins Coie LLP

PARTNER

2901 N. Central Avenue

Suite 2000

Phoenix, AZ 85012-8014

PHONE: 602-351-8045

FAX: 602-648-7036

E-MAIL: CThomas@perkinscoie.com

From: Amy Weinberg [mailto:aweinberg@ali-cle.org]

Sent: Monday, November 27, 2017 12:33 PM

To: 'Bulleit, Kristy'; 'Rachel Jean-Baptiste'; Lindley, Tom (WDC); 'Brown, Samuel L. (SlBrown@hunton.com)'; 'Iwilcher@elpolaw.com'; 'janastasio@acwa-us.org'; 'Boer, J. Tom (JTBoer@hunton.com)'; 'Cynthia S Campbell (cynthia.campbell@phoenix.gov)'; 'Jeanne Christie' (jeanne.christie@aswm.org); 'GTCroot@imesacorp.com'; 'kdonovan@mwdh2o.com'; 'Dravis.samantha@epa.gov'; 'Duncan, Deidre'; 'Pamela Esterman'; 'Daniel Estrin (destrin@waterkeeper.org)'; 'ford.peter@epa.gov'; 'david.fotouhi@epa.gov'; 'Jan Goldman-Carter'; 'ragu-jara.gregg@usdoj.gov'; 'david@davidguestlaw.net'; 'elin@hunton.com'; 'Charlie Logue (charlie.logue@alexrenew.com)'; 'mlopez@nezperce.org'; 'hmeltzer@law.nyc.gov'; 'jennifer.a.moyer@usace.army.mil'; 'jmueller@cbf.org'; 'nagle.deborah@epa.gov'; 'ruizg@si.edu'; 'mr@ryankuehler.com'; 'jerry_schwartz@afandpa.org'; 'Tack, Jon (jon.tack@dnr.iowa.gov)'; Thomas, Christopher D. (PHX); 'traylor.patrick@epa.gov'; Weinberg, Meredith (SEA)

Cc: Pamela McCutcheon

Subject: Final details for next week's ALI CLE/ELI Clean Water Act conference

Dear Faculty,

To make sure that everyone is prepared for the upcoming *Clean Water Act* conference taking place next Monday-Tuesday, December 4-5, I wanted to reach out on a few final items:

1. **Conference location:** The course will be held in the offices of Hunton & Williams LLP, located at 2200 Pennsylvania Avenue NW. When you arrive at the building, please stop at the security desk in the lobby to have your name checked off a list and be cleared to access the elevators.

2. **Materials:** The book of course materials has been finalized and the link to download these materials will be sent out to registrants (and yourselves) tomorrow. If by chance you are preparing a last-minute PowerPoint, it will be placed in a separate "handouts" folder and then added to the e-book after the course has ended. Please send me any last-minute PowerPoints no later than Thursday, November 30, so that we can have it pre-loaded onto the laptop in the meeting room.

Speaking of materials --- don't forget that ALI CLE has gone green. There will NOT be paper copies of the course materials this year. You will receive the link that will be sent out, and you can choose to print it if you want, or save it to a tablet or laptop that you can bring to the course. We will have ample power strips in the rooms to keep you charged.

3. **Faculty Dinner:** We will have a faculty dinner on Monday evening, Dec. 4 at 6:00 at Founding Farmers, located at 1924 Pennsylvania Avenue NW, a short walk from H&W. Please let me know if you will be able to attend the dinner so that I can confirm the reservation. If I don't hear from you this week, I will assume that you are not able to attend.

4. **Networking Lunch:** On Monday we will be providing lunch to both faculty and registrants, so we hope that you will stay and network with the attendees.

5. **CLE Credit:** If you need CLE credit for your participation/attendance, please make sure that you put your name on the appropriate state sign-in sheets that will be out on tables for the duration of the program. You will receive the attendance certs by email after the course. We invite and encourage you to attend as much of the course as your schedule allows.

6. **Comp and discounted registrations:** If you have not yet done so, this is your final opportunity to sign up a colleague or contact to attend the program for free. Just send me their complete contact information, and we'll get them registered. Additional colleagues may attend at half price using the ALIFACULTY coupon code at registration (online or through ALI CLE customer service – 800-CLE-NEWS). This discount can also be used for the live video webcast.

If you have any questions in the coming days, please do not hesitate to contact me. Thank you in advance for the great contributions you've already made through your comprehensive written materials and preparations. I have no doubt that the course will be a valuable experience for everyone!

Amy S. Weinberg

Senior Program Attorney, Office of Content Production

American Law Institute CLE

4025 Chestnut Street

Philadelphia, PA 19104

215-243-1668

aweinberg@ali-cle.org

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FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOSEPH DAVID ROBERTSON,
Defendant-Appellant.

No. 16-30178

D.C. No.
6:15-cr-00007-
DWM-1

OPINION

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, Senior District Judge, Presiding

Argued and Submitted August 29, 2017
Seattle, Washington

Filed November 27, 2017

Before: M. Margaret McKeown and Ronald M. Gould,
Circuit Judges, and Barbara Jacobs Rothstein,*
District Judge.

Opinion by Judge Gould

* The Honorable Barbara Jacobs Rothstein, United States District
Judge for the Western District of Washington, sitting by designation.

SUMMARY**

Criminal Law

The panel affirmed convictions for violating the Clean Water Act (CWA) by knowingly discharging dredged or fill material from a point source into a water of the United States without a permit; willfully injuring and committing depredation of property of the United States, causing more than \$1,000 worth of damage to the property; and knowingly discharging dredged or fill material from a point source into a water of the United States on private property without a permit.

The defendant's first trial ended with a hung jury, and the defendant was convicted after a second trial.

The panel rejected the defendant's contention that the Government did not establish that there was jurisdiction under the CWA. The panel held that *Northern California River Watch v. City of Healdsburg*, 496 F.3d 993 (2007) (holding that Justice Kennedy's concurrence in *Rapanos v. United States*, 547 U.S. 715 (2006), is the controlling test for determining CWA jurisdiction), is not clearly irreconcilable with *United States v. Davis*, 825 F.3d 1014 (9th Cir. 2016) (en banc), and remains binding precedent. The panel held that the district court did not err in determining that CWA jurisdiction existed under the "significant nexus" test set forth in Justice Kennedy's concurrence in *Rapanos*.

** This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

The panel rejected the defendant's contentions that the statutory term "waters of the United States" is unconstitutionally vague and that he did not have fair warning of the meaning of that term.

The panel held that a criminal defendant cannot challenge the sufficiency of the evidence at a previous trial following conviction at a subsequent trial. The panel therefore deemed foreclosed the defendant's argument that the district court should have granted his motion to acquit after the jury deadlocked at his first trial.

The panel held that the district court did not abuse its discretion in allowing the Montana State Program Manager for the Army Corps of Engineers and Supervisory Civil Engineer to testify as an expert witness. The panel held that the district court did not abuse its discretion in excluding an Army Corps of Engineers guidance manual or a crystal mine study.

COUNSEL

Michael Donahoe (argued), Deputy Federal Public Defender; Anthony R. Gallagher, Federal Defender; Federal Defenders of Montana, Helena, Montana; for Defendant-Appellant.

John David Gunter II (argued) and Robert Stockman, Attorneys; John C. Cruden, Assistant Attorney General; Environment & Natural Resources Division, United States Department of Justice, Washington, D.C.; Bryan R. Whittaker and Eric E. Nelson, Office of the United States Attorney, Helena, Montana; for Plaintiff-Appellee.

Roger I. Roots, Livingston, Montana, for Amici Curiae The Constitution Society and Founder and President Jon Roland.

Anthony L. François, Pacific Legal Foundation, Sacramento, California, for Amici Curiae Chantell and Michael Sackett, John Duarte, and Duarte Nursery Inc.

OPINION

GOULD, Circuit Judge:

Between October 2013 and October 2014, Joseph David Robertson excavated and constructed a series of ponds on National Forest System Lands and on the privately owned Manhattan Lode mining claim. In the process of creating these ponds, Robertson discharged dredged and fill material into the surrounding wetlands and an adjacent tributary, which flows to Cataract Creek. Cataract Creek is a tributary of the Boulder River, which in turn is a tributary of the Jefferson River—a traditionally navigable water of the United States. Robertson was warned by an EPA Special Agent that his activities “very likely” required permits. Yet, he did not get permits to build the ponds or to discharge dredged or fill material into waters of the United States.

The Forest Service soon learned of Robertson’s activities. And on May 22, 2015, a grand jury charged Robertson with three criminal counts. Count I charged Robertson with knowingly discharging dredged or fill material from a point source into a water of the United States without a permit in violation of the Clean Water Act (CWA), 33 U.S.C. § 1251–1388. Count II charged Robertson with willfully injuring and committing depredation of property of the United States, namely National Forest Service Land,

causing more than \$1,000 worth of damage to the property, in violation of 18 U.S.C. § 1361. Count III charged Robertson with another CWA violation for knowingly discharging dredged or fill material from a point source into a water of the United States on private property without a permit.

Robertson's initial jury trial was held from October 5 to October 8, 2015. At the close of the Government's case and at the close of the presentation of evidence, Robertson unsuccessfully moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29. That first jury trial ended with a hung jury, and the judge declared a mistrial. Robertson again moved for acquittal on all three counts, arguing that the Government's evidence was insufficient to sustain a conviction. The district court denied this motion.

Robertson's second jury trial was held from April 4 to April 7, 2016. Robertson again moved for acquittal on all three counts after the close of the Government's case and at the close of evidence. And the district court again denied both motions. On April 7, 2016, the jury returned guilty verdicts on all three counts. On April 21, 2016, Robertson renewed his motions for acquittal and moved for a new trial. The district court denied those motions, concluding that the verdict was supported by sufficient evidence.

Robertson timely filed this appeal, over which we have jurisdiction pursuant to 28 U.S.C. § 1291.

I

Robertson argues (1) that the Government did not establish that there was CWA jurisdiction, and (2) that he lacked fair warning of the scope of CWA jurisdiction. He also (3) challenges the sufficiency of evidence at an earlier

trial that ended in a mistrial; (4) appeals some evidence rulings; and (5) contests the calculation of restitution.¹

We review the district court's interpretation of the jurisdictional bounds of the CWA *de novo*. See *United States v. Lewis*, 67 F.3d 225, 228 (9th Cir. 1995). We also review whether a statute is unconstitutionally vague *de novo*. See *United States v. Cooper*, 173 F.3d 1192, 1202 (9th Cir. 1999). We review the challenged evidence rulings and a challenge to the district court permitting an expert to testify for abuse of discretion. See *United States v. W.R. Grace*, 504 F.3d 745, 759 (9th Cir. 2007); *United States v. Layton*, 767 F.2d 549, 553 (9th Cir. 1985).

II

We look first at the CWA jurisdiction issue. To assess Robertson's arguments on these points, some background on the CWA and the cases that have interpreted it is necessary. Congress enacted the CWA "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). To meet this goal, the CWA prohibits the discharge of dredge or fill material into "navigable waters" unless authorized by a permit from the Secretary of the Army through the Army Corps of Engineers ("the Corps"). *Id.* §§ 1311(a), 1311(d), 1344(a). Any person who knowingly violates § 1311 by discharging a pollutant without a permit "shall be punished" by a fine, imprisonment, or both. *Id.* § 1319(c)(2).

¹ We address and reject Robertson's challenge to the district court's ruling compelling Robertson to bear a part of the costs of his defense in the concurrently filed memorandum disposition.

At issue on jurisdiction is the meaning of “navigable waters,” and the reach of the CWA. “Navigable waters” is defined as “the waters of the United States, including the territorial seas.” *Id.* § 1362(7). For there to be CWA jurisdiction here then, the creek and wetlands that Robertson polluted had to be “waters of the United States.”

The reach of the Corps’ jurisdiction over “navigable waters” is controversial and has been the subject of many Supreme Court cases. *See, e.g., United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (1985) (upholding a Corps’ regulation that extended the Corps’ authority under § 1344 to wetlands “adjacent to navigable or interstate waters and their tributaries”); *Solid Waste Agency of N. Cook Cty. v. U.S. Army Corps of Eng’rs*, 531 U.S. 159 (2001) (invalidating the Corps’ “Migratory Bird Rule” because the Corps does not have CWA jurisdiction over non-navigable, isolated, intrastate waters that are not adjacent to open water).

Central to this appeal is the Supreme Court’s fractured 4-1-4 decision, *Rapanos v. United States*, 547 U.S. 715 (2006). In that case, the Court confronted the issue of whether wetlands, which did not contain or directly abut traditionally navigable waterways, were “waters of the United States” subject to the Corps’ jurisdiction under the CWA. *See id.* at 729–30 (plurality); *id.* at 759 (Kennedy, J., concurring in the judgment). In answering this question, the Court had to address whether the Corps’ regulations were a permissible interpretation of the CWA. The regulations had interpreted “waters of the United States” very broadly, including not just traditionally navigable interstate waters, but also

“[a]ll interstate waters including interstate wetlands,” [33 C.F.R.] § 328.3(a)(2); “[a]ll

other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce,” [*id.*] § 328.3(a)(3); “[t]ributaries of [such] waters,” [*id.*] § 328.3(a)(5); and “[w]etlands adjacent to [such] waters [and tributaries] (other than waters that are themselves wetlands),” [*id.*] § 328.3(a)(7). The regulation defines “adjacent” wetlands as those “bordering, contiguous [to], or neighboring” waters of the United States. [*Id.*] § 328.3(c). It specifically provides that “[w]etlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are ‘adjacent wetlands.’” [*Id.*]

Rapanos, 547 U.S. at 724 (plurality).

The plurality opinion, authored by Justice Scalia, and joined by Chief Justice Roberts, and Justices Thomas and Alito, concluded that the Corps’ regulations were not “based on a permissible construction of the statute.” *Id.* at 739 (quoting *Chevron U.S.A. Inc. v. Nat. Res. Def. Council*, 467 U.S. 837, 843 (1984)). The plurality held that “the phrase ‘the waters of the United States’ includes only those relatively permanent, standing or continuously flowing bodies of water ‘forming geographic features’ that are described in ordinary parlance as ‘streams[,] . . . oceans, rivers, [and] lakes.’” *Id.* (quoting Webster’s Second 2882) (alterations in original). The term, according to Justice

Scalia’s opinion, “does not include channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall.” *Id.* The plurality went on to conclude that wetlands are covered by the CWA only if two conditions are met: first, “the adjacent channel contains a ‘wate[r] of the United States,’ (*i.e.*, a relatively permanent body of water connected to traditional interstate navigable waters);” and second, “the wetland has a continuous surface connection with that water, making it difficult to determine where the ‘water’ ends and the ‘wetland’ begins.” *Id.* at 742 (alteration in original). The plurality ultimately remanded the case to the lower court so that it could determine, in the first instance, whether the wetlands at issue were subject to the CWA under the new standard.

Justice Kennedy, providing the fifth vote supporting the judgment concurred in the judgment but rejected the plurality’s test and outlined his own test to determine whether a wetland that is not adjacent to and does not contain a navigable-in-fact water is subject to the CWA. *See id.* at 758–59, 768–78 (Kennedy, J., concurring in the judgment). Justice Kennedy concluded that the Corps could reasonably interpret the CWA to cover “impermanent streams,” *id.* at 770, and he concluded that the “Corps’ definition of adjacency is a reasonable one,” *id.* at 775. Justice Kennedy held that the Corps could exercise CWA jurisdiction over a wetland only if there was “a significant nexus between the wetlands in question and navigable waters in the traditional sense.” *Id.* at 779; *see also id.* at 767. He explained, “wetlands possess the requisite nexus, and come within the statutory phrase ‘navigable waters,’ if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily

understood as ‘navigable.’” *Id.* at 780. When “wetlands’ effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term ‘navigable waters.’” *Id.*

Four members of the Court joined in a dissent authored by Justice Stevens. His dissent concluded that *Riverside Bayview* controlled the cases, that the Corps’ regulations were a reasonable interpretation of the CWA, and that any wetland that is adjacent to navigable waters or their tributaries is subject to the CWA. *See Rapanos*, 547 U.S. at 787, 792 (Stevens, J., dissenting). He disagreed with both the plurality and with Justice Kennedy. He noted that “Justice Kennedy’s approach had far fewer faults,” and concluded that both decisions “fail[ed] to give proper deference to the agencies entrusted by Congress to implement the Clean Water Act.” *Id.* at 810. The dissenting Justices would have upheld the Corps’ jurisdiction in the cases at issue in *Rapanos* “and in all other cases in which either the plurality’s or Justice Kennedy’s test is satisfied.” *Id.* at 810. Indeed, although the dissent “assume[d] that Justice Kennedy’s approach will be controlling in most cases because it treats more of the nation’s waters as within the Corps’ jurisdiction,” the dissent would uphold jurisdiction when *either* test was met—even “in the unlikely event that the plurality’s test is met but Justice Kennedy’s is not.” *Id.* at 810 n.14; *see also id.* at 810. The dissent also stated that “in these and future cases the United States may elect to prove jurisdiction under either test.” *Id.* at 810 n.14.

All this paints a rather complex picture, and one where without more it might not be fair to expect a layman of normal intelligence to discern what was the proper standard to determine what are waters of the United States. But the

substance of that picture was clarified by later decisional law within the Ninth Circuit.

Specifically, in *Northern California River Watch v. City of Healdsburg*, a precedent that is critical to our decision today, we held that Justice Kennedy’s opinion was the controlling opinion from *Rapanos*. 496 F.3d 993, 995 (2007). We explained that because it is “the narrowest ground to which a majority of the Justices would assent if forced to choose in almost all cases, . . . Justice Kennedy’s concurrence provides the controlling rule of law for our case.” *Id.* at 999–1000; *see also United States v. Moses*, 496 F.3d 984, 990 (9th Cir. 2007) (recognizing Justice Kennedy’s “opinion as the controlling rule of law”); *San Francisco Baykeeper v. Cargill Salt Div.*, 481 F.3d 700, 707 (9th Cir. 2007) (“Justice Kennedy’s *controlling concurrence* explained that only wetlands with a significant nexus to a navigable-in-fact waterway are covered by the Act” (emphasis added)). In reaching this conclusion, we relied upon *United States v. Gerke Excavating, Inc.*, 464 F.3d 723 (7th Cir. 2006). *See City of Healdsburg*, 496 F.3d at 999–1000. In *Gerke*, the Seventh Circuit had explained that Justice Kennedy’s test—which it also found to be controlling—was “narrower (so far as reining in federal authority is concerned) than the plurality’s in most cases.” 464 F.3d at 724–25. The Eleventh Circuit has also concluded that Justice Kennedy’s test is controlling. *See United States v. Robison*, 505 F.3d 1208, 1221 (11th Cir. 2007) (concluding that under the facts of *Rapanos*, Justice Kennedy’s opinion is the narrowest and controlling).

Other circuits have adopted different approaches. The First, Third, and Eighth Circuits have explicitly concluded that the federal Government can establish CWA jurisdiction if it can meet either the plurality’s or Justice Kennedy’s

standard. *United States v. Johnson*, 467 F.3d 56, 64–66 (1st Cir. 2006); *United States v. Donovan*, 661 F.3d 174, 176, 182 (3d Cir. 2011); *United States v. Bailey*, 571 F.3d 791, 799 (8th Cir. 2009). The Fourth Circuit has used Justice Kennedy’s test, without deciding whether the plurality’s test could provide an alternate ground for establishing CWA jurisdiction. *See Precon Dev. Corp., Inc. v. U.S. Army Corps of Eng’rs*, 633 F.3d 288 (4th Cir. 2011). The Sixth Circuit has expressly not yet decided which test is controlling. *See United States v. Cundiff*, 555 F.3d 200, 210 (6th Cir. 2009). It appears that the Fifth Circuit has also not yet decided which test controls, *see United States v. Lucas*, 516 F.3d 316, 324–28 (5th Cir. 2008), although it has indicated—albeit in an unpublished decision—that jurisdiction could be established under either test, *see United States v. Lipar*, 665 F. App’x 322, 325 (5th Cir. 2016).

In view of these competing precedents interpreting *Rapanos*, and further uncertainty engendered by our later en banc decision in *United States v. Davis*, 825 F.3d 1014 (9th Cir. 2016), Robertson argues that Justice Kennedy’s test from *Rapanos* is not the controlling test for determining CWA jurisdiction, and that the trial Court erred by basing the jury instructions on Justice Kennedy’s test.

III

Robertson’s primary argument is that *City of Healdsburg* is not binding in light of *Davis*. He asserts that under the “reasoning-based” framework established by *Davis*, the *Rapanos* plurality opinion is controlling. In reaching this conclusion, Robertson argues that the court cannot consider Justice Stevens’s dissent. He argues that if we do not adopt the plurality decision as controlling, we must conclude that “no single rationale commanded a majority of the *Rapanos* court.”

In *Marks v. United States*, the Supreme Court explained that “[w]hen a fragmented Court decides a case and no single rationale explaining the result enjoys the assent of five Justices, ‘the holding of the Court may be viewed as that position taken by those Members who concurred in the judgments on the narrowest grounds.’” 430 U.S. 188, 193 (1977) (quoting *Gregg v. Georgia*, 428 U.S. 153, 169 n.15 (1976) (opinion of Stewart, Powell, and Stevens, JJ.)).

Recognizing the difficulty that courts have faced in discerning what the Supreme Court meant by “narrowest grounds,” we took *Davis* en banc to clarify the approach courts should take in applying *Marks* to fractured Supreme Court decisions. See *Davis*, 825 F.3d at 1021–22. We adopted a “reasoning-based approach to applying *Marks*.” *Id.* at 1021. As we explained,

[W]hen applying *Marks* to a fractured Supreme Court decision, we look to those opinions that concurred in the judgment and determine whether one of those opinions sets forth a rationale that is the logical subset of other, broader opinions. When, however, no “common denominator of the Court’s reasoning” exists, we are bound only by the “specific result.”

Id. at 1028. In *Davis*, we also assumed, without deciding, that dissenting opinions may be considered as part of a *Marks* analysis. *Id.* at 1025; see also *id.* at 1025 n.12.

As explained above, in *City of Healdsburg*—relying on *Gerke* and taking into account the *Rapanos* dissent—we held that Justice Kennedy’s “concurrence is the narrowest ground to which a majority of the Justices would assent if forced to choose in almost all cases.” *City of Healdsburg*, 496 F.3d at

999. As *Davis* had not yet clarified the issue, we did not engage in a reasoning-based *Marks* analysis to reach this conclusion. Instead, we relied on and accepted the Seventh Circuit's explanation in *Gerke* as to why Justice Kennedy's concurrence provided the controlling rule. *See id.* at 999–1000. Although the Seventh Circuit did not engage in an explicit reasoning-based analysis, the underlying rationale in *Gerke* is not inconsistent with that analysis.

To assess Robertson's claim that the district court applied the wrong standard to determine whether there was insufficient evidence to conclude that Robertson discharged pollutants into United States waters without a permit, we must first decide whether the en banc decision in *Davis* rendered inapplicable our prior conclusion in *City of Healdsburg* that Justice Kennedy's concurrence in *Rapanos* would control our decision about what are waters of the United States.

Our court in *Miller v. Gammie*, established the general rule that a three-judge panel is not allowed to disregard a prior circuit precedent, but rather must follow it unless or until change comes from a higher authority. 335 F.3d 889, 893 (9th Cir. 2003) (en banc). Higher authority includes decisions by en banc panels of our court. *Overstreet v. United Bhd. of Carpenters & Joiners of Am., Local Union No. 1506*, 409 F.3d 1199, 1205 n.8 (9th Cir. 2005).

This raises the issue whether the precedent of *City of Healdsburg* should have been disregarded by the court below in light of the later en banc decision in *Davis*. *Miller v. Gammie* sets the rule that the district court below had to follow *City of Healdsburg* unless it was “clearly irreconcilable” with *Davis*. *Miller v. Gammie*, 335 F.3d at 893. So the controlling issue on whether *City of Healdsburg* correctly stated the standard for what are waters of the

United States, relying on Justice Kennedy's concurrence in *Rapanos*, is whether *City of Healdsburg* is clearly irreconcilable with *Davis*. If so, we should disregard it. But if not, *City of Healdsburg* remains controlling. It is to that question that we now turn.

Some elaboration on the standard developed in *Miller v. Gammie* is helpful here. In that case we considered when “a three-judge panel is free to reexamine the holding of a prior panel in light of an inconsistent decision by a court of last resort on a closely related, but not identical issue.” 335 F.3d at 899. The issue before us was whether, in light of intervening Supreme Court authority outlining a functional test for evaluating when immunity applied, a three-judge panel should have disregarded prior Ninth Circuit authority granting absolute immunity to social workers. *Id.* at 900. Our en banc panel in *Miller v. Gammie* held that in cases of “clear irreconcilability, a three-judge panel of this court and district courts should consider themselves bound by the intervening higher authority and reject the prior opinion of this court as having been effectively overruled.” *Id.*

The “clearly irreconcilable” requirement is “a high standard.” *Rodriguez v. AT&T Mobility Servs. LLC*, 728 F.3d 975, 979 (9th Cir. 2013) (internal quotation marks omitted). So long as the court “can apply our prior circuit precedent without running afoul of the intervening authority” it must do so. *Lair v. Bullock*, 697 F.3d 1200, 1207 (9th Cir. 2012) (internal quotation marks omitted). “It is not enough for there to be some tension between the intervening higher authority and prior circuit precedent, or for the intervening higher authority to cast doubt on the prior circuit precedent.” *Id.* (internal quotation marks and citations omitted).

City of Healdsburg is not clearly irreconcilable with *Davis*. *Davis* holds that an opinion that concurs in the judgment that is “the logical subset of other, broader opinions” is the “narrowest grounds” and controlling under *Marks*. See *Davis*, 825 F.3d at 1024, 1028. Contrary to Robertson’s argument, *Davis* did not forbid consideration of dissents while engaging in the *Marks* analysis. See *Davis*, 825 F.3d at 1025. Consequently, so long as the opinion that is a “logical subset” is an opinion that concurred in the judgment, the “broader opinion” of which it is a subset can be a dissent.

The overarching issue in *Rapanos* was whether the breadth of the Corps’ regulations was permissible. The narrowest holding was the one that restrained the Corps’ authority the least. See *Rapanos*, 547 U.S. at 810 n.14 (Stevens, J., dissenting) (“I assume that Justice Kennedy’s approach will be controlling in most cases because it treats more of the Nation’s waters as within the Corps’ jurisdiction . . .”); *Robison*, 505 F.3d at 1221 (“The issue becomes whether the definition of ‘navigable waters’ in the plurality or concurring opinions in *Rapanos* was less far-reaching (i.e., less-restrictive of CWA jurisdiction).”); *Gerke*, 464 F.3d at 724–25 (concluding Justice Kennedy’s “test is narrower (so far as reining in federal authority is concerned) than the plurality’s in most cases”). The opinion restricting federal agency discretion the least was Justice Stevens’s dissent, which would have provided for the broadest federal jurisdiction of all, and which stated explicitly that it would be satisfied and uphold the Corps’ jurisdiction whenever either the plurality’s or Justice Kennedy’s test was met. See *Rapanos*, 547 U.S. at 810 (Stevens, J., dissenting).

But under the standard announced in *Marks*, when we interpret *Rapanos* we are to find our standard in the

narrowest opinion joining in the judgment. So the dissent that did not support the judgment is out for this purpose. We have a contest then between the plurality opinion of Justice Scalia and the concurring opinion of Justice Kennedy, both of which supported the majority judgment. Both the plurality and Justice Kennedy's opinions can be viewed as subsets of Justice Stevens's dissent because both narrow the scope of federal jurisdiction. Justice Kennedy's concurrence, however, is narrower than the plurality opinion because it restricts federal authority less. *See Rapanos*, 547 U.S. at 810 n.14 (Stevens, J., dissenting).

Although it does not go through this subset analysis explicitly, *Gerke* does recognize that Justice Kennedy's concurrence fits within the dissent, and that it narrows federal authority less than the plurality's decision. *See Gerke*, 464 F.3d at 724–25 (explaining that “[t]he four dissenting Justices took a much broader view of federal authority” than either Justice Kennedy or the plurality, and that Justice Kennedy's grounds were narrower because the plurality criticized Justice Kennedy's expansive reading, and Justice Kennedy rejected the two limitations the plurality would have imposed on federal authority). Its reasoning—how it gets to the “narrowest” opinion—is not completely undercut by *Davis*. *See Rodriguez*, 728 F.3d at 980. *Gerke*—and *City of Healdsburg*, which adopted and relied upon *Gerke*'s reasoning—are not “clearly irreconcilable” with *Davis*. *City of Healdsburg* remains valid and binding precedent. Here, jurisdiction was determined to exist under the “significant nexus” test set forth in Justice Kennedy's concurrence in *Rapanos*. We hold that there was no error in this.

IV

Robertson next argues that the statutory term “waters of the United States” is “too vague to be enforced in the due process sense,” because Robertson could not have had “fair warning” of the meaning of that term. He asserts that he did not have fair warning because, in light of *Davis*, *City of Healdsburg* is no longer good law.

Robertson had fair warning that his conduct was criminal. The Government violates the Fifth Amendment’s guarantee of due process if it “take[s] away someone’s life, liberty, or property under a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement.” *Johnson v. United States*, 135 S. Ct. 2551, 2556 (2015). The underlying “principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.” *United States v. Lanier*, 520 U.S. 259, 265 (1997).

The “touchstone” of whether a statute is unconstitutionally vague, on the one hand, or the defendant instead had fair notice, on the other hand, “is whether the statute, either standing alone or as construed, made it reasonably clear at the relevant time that the defendant’s conduct was criminal.” *Id.* at 267. So long as prior to the defendant’s offense there were decisions which gave “reasonable warning that the law [will] be applied in a certain way,” the defendant had fair warning that his conduct was criminal. *See Gollehon v. Mahoney*, 626 F.3d 1019, 1024 (9th Cir. 2010).

Robertson does not challenge the general validity of the criminal provisions of the CWA. His argument relies primarily on the effect of *Davis* on *City of Healdsburg*. As

explained above, *Davis* does not undermine the continuing validity of *City of Healdsburg* for purposes of jurisdiction. As for the notice issue, the conduct at issue in this case took place between October 2013 and October 2014, well after this court had issued *City of Healdsburg* and had held that Justice Kennedy's test controlled CWA jurisdiction, and well before this court's decision in *Davis*. See *Davis*, 825 F.3d 1014 (published June 13, 2016); *City of Healdsburg*, 496 F.3d at 995 (case published in 2007). Robertson was on notice from *City of Healdsburg* at the time of his excavation activities that wetlands and non-navigable tributaries are subject to CWA jurisdiction "if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.'" *Rapanos*, 547 U.S. at 780. The jury was instructed in these terms, and convicted Robertson, holding that the elements of his crime were shown beyond a reasonable doubt. *Davis*—which was not decided until 2016, long after Robertson's conduct forming the basis for his convictions—does not affect whether Robertson had fair notice at the time of his excavation activities.²

V

Robertson next argues that the district court should have granted his Federal Rule of Criminal Procedure 29(c) motion to acquit after the jury deadlocked at his first trial. This circuit has not explicitly addressed whether a defendant has

² Also, Robertson was warned by an EPA agent that he likely needed a permit to authorize his excavations. According to the agent, Robertson was warned that "if he did not have a permit, then he very likely needed a permit."

a viable sufficiency of the evidence challenge to his first trial, when his second trial ended in conviction.

If Robertson had prevailed on his sufficiency challenge at the first trial, any subsequent attempt to try him would have been barred on double jeopardy grounds. But such a claim is foreclosed because the Supreme Court in *Richardson v. United States* held that even where the Government has presented inadequate evidence at the first trial and the jury deadlocks, if the trial judge rejects the defendants' insufficiency arguments, double jeopardy protections do not bar a second trial. 468 U.S. 317, 326 (1984) ("Regardless of the sufficiency of the evidence at petitioner's first trial, he has no valid double jeopardy claim to prevent his retrial.").

Several other circuits have held that by necessary extension *Richardson* also forecloses any challenge to the sufficiency of evidence at a prior trial after a conviction at a later trial. See *United States v. Achobe*, 560 F.3d 259, 265–68 (5th Cir. 2008); *United States v. Julien*, 318 F.3d 316, 321 (1st Cir. 2003); *United States v. Willis*, 102 F.3d 1078, 1081 (10th Cir. 1996); *United States v. Coleman*, 862 F.2d 455, 460 (3d Cir. 1988).³ We believe that these decisions are correct, and we now join them.

³ In *United States v. Recio*, we held that *Richardson* did not bar us from considering whether defendants "may be prosecuted at a *third* trial if the Government presented insufficient evidence at the first." 371 F.3d 1093, 1104 (9th Cir. 2004). We explained that "[t]he procedural posture of this case allows us to consider this question because the third trial has not yet begun." *Id.* at 1104–05. We specifically declined to address the question of whether defendants "could also use their first-trial insufficiency argument to challenge their second trial on double jeopardy grounds." *Id.* at 1105 n.9.

Richardson makes clear that the Double Jeopardy Clause is not implicated simply because the Government presented insufficient evidence at a previous trial, and absent double jeopardy protections, a finding that insufficient evidence was offered at the first trial would have no impact on the validity of the second trial. We hold that a criminal defendant cannot challenge the sufficiency of the evidence presented at a previous trial following a conviction at a subsequent trial.

VI

Robertson argues that there are three reasons why the district court erred in allowing Todd Tillinger, the Montana State Program Manager for the Corps and Supervisory Civil Engineer, to testify as an expert witness. First, Robertson asserts that because the law on what constitutes a “water of the United States” subject to CWA jurisdiction is unclear, “the subject matter of [Tillinger’s] testimony was not suitable for expert witness consideration.” Second, Tillinger’s testimony was based on “guidance documents,” which do not have the force of law. Finally, Robertson argues that the district court should have rejected Tillinger as an expert witness “because his jurisdictional determination relied heavily on what is termed an ordinary high water mark,” which Justice Kennedy rejected as the determinative measure of whether a water is subject to the CWA.

Robertson’s arguments are not persuasive. First, it is the district court—not an expert witness—that instructs the jury on what the law is. *See U.S. v. Weitzsenhoff*, 35 F.3d 1275, 1287 (9th Cir. 1993). Here, the court gave the jury clear instructions on both the elements of a CWA violation, and

the meaning of the term “waters of the United States.”⁴ As discussed above, the law itself is not unclear.⁵

Robertson’s second argument is both belied by the record and beside the point. The expert disclosure statement that Robertson relies upon for his argument states that Tillinger “has substantial training and experience in the identification and classification of streams and wetlands to determine if they are considered ‘waters of the United States’ subject to federal regulation under the Clean Water Act (‘CWA’); implementing regulations; standards set forth in the United States Supreme Court’s opinion in *Rapanos v. United States*, 547 U.S. 715 (2006); and the following EPA/Army Corps of Engineers post-*Rapanos* guidance

⁴ Jury Instruction 14 provided: “In order for you to find the defendant guilty of the crimes contained in Counts I or III, the government must prove each of the following elements beyond a reasonable doubt . . . 3. That the discharge was to a ‘water of the United States.’” Jury Instruction 22 provided: “The term ‘waters of the United States’ includes traditional navigable waters and tributaries and/or adjacent wetlands that have a significant nexus to traditional navigable waters. A tributary or adjacent wetland has a significant nexus to traditional navigable waters if it (either alone or in combination with similarly situated water bodies in the region) significantly affects the chemical, physical, or biological integrity of traditional navigable waters.” These instructions follow the standard set out in Justice Kennedy’s concurrence, and that we adopted as controlling in *City of Healdsburg*. See *Rapanos*, 547 U.S. at 780; *City of Healdsburg*, 496 F.3d at 999–1000.

⁵ Robertson does not assert that Tillinger improperly testified on the ultimate issue of law. His argument appears to be that the law is unclear, and it was improper for any expert to testify about “waters of the United States.”

documents” Tillinger based his evaluation on regulations, *Rapanos*, and guidance documents.

It does not matter which sources of authority (binding regulations or enforcement guidelines that lack the force of law) Tillinger used in evaluating waters and wetlands because it is the jury, using the instructions provided by the judge, that ultimately determines whether the creek and wetland at issue were “waters of the United States.” *See United States v. Phillips*, 367 F.3d 846, 855 n.25 (9th Cir. 2004) (explaining that “whether the water is navigable [*i.e.*, is subject to CWA jurisdiction] is part of one element of a CWA violation,” which the Government can be required to prove at trial).

Robertson’s third argument is also unpersuasive. At the first trial, Tillinger testified that in determining whether the channel had a continuous or relatively permanent flow he looked for a high water mark.⁶ Although Justice Kennedy stated in *Rapanos* that the presence of an ordinary high water mark on a tributary could not be “the determinative measure” of whether a wetland adjacent to that tributary is covered by the CWA, he did not forbid the consideration of an ordinary high water mark. *See Rapanos*, 547 U.S. at 781. That Tillinger discussed using a high water mark in his evaluation of whether the channel next to the wetland was a tributary does not render his testimony improper. Regardless, it was the jury (not Tillinger) that—using the court’s instructions that did not mention the ordinary high

⁶ Robertson does not provide a citation for his assertion that Tillinger’s jurisdictional determination relied on the ordinary high water mark. The Government cites to Tillinger’s testimony from the first trial. The parties do not direct us to any specific testimony from the second trial where Tillinger allegedly relies on the ordinary high water mark.

water mark—made the final determination that the creek and wetlands at issue were “waters of the United States.” We reject Robertson’s challenges to Tillinger’s testimony because there was no abuse of discretion in allowing it.

VII

Robertson next argues that the district court erred in excluding two documents: the U.S. Army Corps of Engineers Jurisdictional Determination Form Instruction Guidebook and the Crystal Mine Study. He asserts that the district court should have admitted the Manual because it would have permitted Robertson to show that the Corps “was making its jurisdictional determination on a factor expressly forbidden by Justice Kennedy under his substantial nexus test.” He argues that the district court should have admitted the Crystal Mine Study because it showed “that the water quality of the Cataract drainage is very poor due to the extensive mining activity,” and the Study “could have supported his argument of insubstantial connection between the wetlands and the Jefferson river.”

The district court did not abuse its discretion in excluding either the Guidance Manual or the Crystal Mine Study. The district court is given “wide latitude” to determine “the admissibility of evidence because [the trial judge] is in the best position to assess the impact and effect of evidence based upon what [the judge] perceives from the live proceedings of a trial.” *Layton*, 767 F.2d at 554 (quoting *United States v. Ford*, 632 F.2d 1354, 1377 (9th Cir. 1980)).

The district court explained that the Guidebook is used by the Corps “in its performance of jurisdictional determinations and, as such, discusses the applicable regulations and the law.” The court excluded the Guidebook under Federal Rule of Evidence 403, concluding that “the

danger of confusing the issues and misleading the jury substantially outweighed the potential probative value of admitting the entire Guidebook.” As the district court properly explained, the court provides the law to the jury. *See, e.g., Weitzsenhoff*, 35 F.3d at 1287. The Guidance Manual explains how and when the Corps will assert CWA jurisdiction over wetlands and non-navigable tributaries. It was within the district court’s discretion to conclude that the Guidance Manual could confuse the jury because the standards and considerations outlined in the Manual were not the same as the jury instructions, i.e., the law that the jury had to follow.⁷ The district court did not abuse its discretion in excluding the Guidance Manual.

The district court likewise did not abuse its discretion in excluding the Crystal Mine Study. The district court concluded that the Study was not relevant and that “the potential prejudice from its introduction strongly outweighs any probative value.” It excluded the Study under Federal Rules of Evidence 401 and 403. The district court acted well within its discretion. Whether a wetland or non-navigable water has a significant nexus to a traditionally navigable water has nothing to do with whether the traditionally navigable water is healthy. Robertson does not support his novel argument that a “significant nexus” exists only when a wetland would be polluting an otherwise clean water, with any authority. Also, this argument undermines the very purpose of the CWA, “to *restore* and maintain the chemical,

⁷ As explained above, Robertson’s arguments regarding references to the Ordinary High Water Mark and how the Corps’ determines CWA jurisdiction are unpersuasive. The district court provided jury instructions, and the jury (following those instructions) made the determination that the discharge was into “waters of the United States.” How the Corps makes CWA jurisdictional determinations is not controlling for the purposes of this criminal appeal.

physical, and biological integrity of the Nation's waters." *See* 33 U.S.C. § 1251(a) (emphasis added). In light of this purpose, it would not make sense to conclude that the CWA protects only clean waters from pollution from their non-navigable tributaries, because that would disregard the CWA's restoration purpose. The district court did not abuse its discretion by excluding the Crystal Mine Study, which addressed the existing contamination in the watershed.⁸ We reject Robertson's challenges to the district court's rulings on the rules of evidence. There was no abuse of discretion.⁹

AFFIRMED.

⁸ Robertson properly states that the standard of review for decisions on the admissibility of evidence is abuse of discretion. However, he also seems to suggest that the court should review the decisions to determine whether exclusion of the evidence resulted in constitutional error. Robertson does not present any substantial argument as to how exclusion of either the Guidance Manual or the Crystal Mine Study resulted in constitutional error. Nor could he do so. As explained above, exclusion of both pieces of evidence was proper. Not only that, but the district court allowed Robertson to question witnesses using the Guidance Manual and allowed Robertson to have the witness read relevant portions of the Manual into the record.

⁹ Robertson argues that if we reverse on Counts I and III, those counts will no longer be "offenses of conviction," and "the district court's restitution order should be vacated and the issue should be remanded for reconsideration." Robertson does not otherwise challenge the district court's restitution order. Because we affirm the convictions, we also affirm the restitution award.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Michael Murphy
Sent: Tue 10/10/2017 5:07:39 PM
Subject: Help Protect Refiners Jobs In Reference to Docket ID No. EPA-HQ- OAR-2017-0091

Samantha Dravis,

The time is now to help prevent a massive loss of good-paying American jobs. The EPA currently implements the Renewable Fuel Standard in a way that makes all U.S. refiners responsible for ensuring that certain levels of renewable fuels are blended into gasoline, even if they do not have capabilities to do such blending.

This nonsensical set-up allows large integrated oil companies that blend more fuel than they refine and big convenience store gasoline chains (who do much of the blending) to collect valuable credits for the renewable fuel they blend into the pure gasoline they get from refineries. Independent refiners, who do little or no blending themselves, then end up purchasing those credits in order to demonstrate compliance with a process they have little control over. Small and independent refiners are at risk of going offline due to this backwards regulation, with 75,000-150,000 U.S. workers potentially impacted.

Please, help save our jobs and make this right. Please move the point of obligation for the RFS (Docket ID No. EPA-HQ- OAR-2017-0091) in a way that fixes this inequity.

Thank you.

Michael Murphy
411 Barby Lane
Cherry Hill, NJ 08003

To: Ferraris, Anna (Kelly OCG)[Anna.Ferraris@bp.com]
From: Ferraris, Anna (Kelly OCG)
Sent: Mon 7/17/2017 4:16:00 PM
Subject: Transition Soirée for Geoff Morrell & Mary Streett

Transition Soirée

Geoff Morrell

Head of Global Communications & External Affairs

and

Mary Streett

Head of U.S. Communications & External Affairs

Invite You

Help us congratulate Mary Streett as she takes over as
Head of U.S. Communications & External Affairs and
Geoff Morrell as he leaves for London to become
Head of Global Communications and External Affairs.

Thursday, July 27

5:30 p.m. - 7:30 p.m.

1101 New York Avenue NW, Suite 700

Cc: Larry Schafer[lschafer@playmakerstrategies.com]; Dravis, Samantha[dravis.samantha@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Larry Schafer
Sent: Tue 9/12/2017 6:16:11 PM
Subject: Re: Biodiesel Meeting Request for Next Week

Ok thanks we will see you at 1 pm on the 20th.

Thank you.

Larry Schafer
Playmaker Strategies
202.997.8072

On Sep 12, 2017, at 1:58 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Hi Larry,

I'd be happy to meet. I'm looping in Alex to help with logistics. My only availability is at 1 pm on the 20th (I'm down in Raleigh on the 21st).

Best,

Mandy

From: Larry Schafer [<mailto:lschafer@playmakerstrategies.com>]
Sent: Tuesday, September 12, 2017 1:04 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Biodiesel Meeting Request for Next Week

Samantha and Mandy,

Hope you are well. I know you all have been busy on hurricane issues and we appreciate your commitment and help to our friends and families in Texas and Florida.

Next week a trio of Biodiesel and Renewable Diesel CEO's and Executive Leadership team members will be in Washington DC.

We would like to meet with you on Wednesday the 20th or Thursday the 21st to discuss issues related to biodiesel, the RVO's, Trade, and many other related issues.

The following would like to meet with you:

Gene Gebolys, CEO of World Energy, owns 4 facilities (Texas, Mississippi, Georgia and Pennsylvania) with approximately 230 million gallons of production.

Co-Chair of NBB's RFS Working Group

Jonathan Phillips, General Counsel at RBF, Port Naches, the largest biodiesel plant in the United States (185 million gallons).

RBF has testified at the Dep't of Commerce related to biodiesel trade issues.

Bryan Sherbacow, CEO of AltAir Fuels, an integrated refiner of renewable jet, renewable diesel, and renewable chemicals. (30 million gallon facility in California).

Also joining our team will be Anne Steckel. Anne and I have worked together for the past 7-10 years on RFS related issues for the biodiesel industry since the first RVO for Biomass-based Diesel was put in place in 2010.

We clearly appreciate your leadership on these difficult issues. Our team here at Playmaker Strategies worked with eleven companies representing 16 biodiesel processing facilities, over 400 million gallons, in preparing comments to EPA's most recent RVO proposal.

Please let us know of your availability for next week.

Thank you.

=====

Larry Schafer

Playmaker Strategies

202.997.8072

750 Ninth Street NW

Suite 650

Washington DC 20001

Lschafer@PlaymakerStrategies.com

www.PlaymakerStrategies.com

=====

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: ROBERT HARDING, II
Sent: Sun 7/2/2017 2:18:03 AM
Subject: Help Protect Refiners Jobs-Changing the "Point of Obligation"

Samantha Dravis,

The time is now to help prevent a massive loss of good-paying American jobs. The EPA currently implements the Renewable Fuel Standard in a way that makes all U.S. refiners responsible for ensuring that certain levels of renewable fuels are blended into gasoline, even if they do not have capabilities to do such blending.

This nonsensical set-up allows large integrated oil companies that blend more fuel than they refine and big convenience store gasoline chains (who do much of the blending) to collect valuable credits for the renewable fuel they blend into the pure gasoline they get from refineries. Independent refiners, who do little or no blending themselves, then end up purchasing those credits in order to demonstrate compliance with a process they have little control over. Small and independent refiners are at risk of going offline due to this backwards regulation, with 75,000-150,000 U.S. workers potentially impacted.

Please, help save our jobs and make this right. Please move the point of obligation for the RFS in a way that fixes this inequity.

Thank you.

ROBERT HARDING, II
323 N DILLWYN RD
NEWARK, Delaware 19711

To: EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Mon 10/2/2017 7:12:13 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

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Traveler

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DRAVIS / SAMANTHA K

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Reference number by traveler: TAA054FG

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Date From/To Flight/Vendor Status Depart/Arrive Class/Type
10/04/2017 DCA- DL 3437* Confirmed 10:05 AM/11:39 AM Economy / L
CVG
10/04/2017 CVG- DL 6221* Confirmed 04:00 PM/05:27 PM Economy / L
DCA

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Delta Air Lines Flight DL3437 Economy

.
Depart: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States
~~00:05 AM Wednesday, October 4 2017~~ [Weather](#)
Arrive: Cincinnati, Ohio, United States
11:39 AM Wednesday, October 4 2017
.
Duration: 1 hour(s) and 34 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: G6U69T
Equipment: Canadair Regional Jet 900
*Operated By: Endeavor Air Dba Delta Connection
Seat: 16C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 410 miles / 659.69 kilometers
CO2 Emissions: 180.4 lbs/82 kgs
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Delta Air Lines Flight DL6221 Economy

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Depart: Cincinnati, Ohio, United States [Weather](#)
04:00 PM Wednesday, October 4 2017
Arrive: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States
05:27 PM Wednesday, October 4 2017
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Duration: 1 hour(s) and 27 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: G6U69T
Equipment: Canadair Regional Jet 700
*Operated By: Gojet Airlines Dba Delta Connection
Seat: 16C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 410 miles / 659.69 kilometers
CO2 Emissions: 180.4 lbs/82 kgs
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Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items **MUST** be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

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To: Messner, Kevin[KMessner@AHAM.org]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Gunasekara, Mandy
Sent: Tue 11/21/2017 11:03:28 PM
Subject: Re: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)

Of course- Happy to help.

Sent from my iPhone

On Nov 21, 2017, at 4:16 PM, Messner, Kevin <KMessner@AHAM.org> wrote:

Yeah!!! THANKS!!

From: Altan Gabbay [mailto:gabbay.altan@epa.gov]
Sent: Tuesday, November 21, 2017 2:09 PM
To: Messner, Kevin <KMessner@AHAM.org>
Subject: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)


SNAP Actions (Rule 22)

On November 20, 2017, EPA Administrator Scott Pruitt signed a Direct Final Rule and an accompanying Notice of Proposed Rulemaking titled, "Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards." This action modifies the use conditions required for use of three flammable refrigerants: isobutane (R-600a), propane (R-290), and R-441A, in new household refrigerators, freezers, and combination refrigerators and freezers under the Significant New Alternatives Policy (SNAP) program. The use conditions, which address safe use of flammable refrigerants, are being revised to reflect the recently updated UL Standard 60335-2-24 that is incorporated by reference. This action will provide greater flexibility to appliance manufacturers by allowing for a larger refrigerant charge size of 150 g for flammable refrigerants while ensuring the refrigerants are safely used.

An advance copy of the final rule and concurrent notice of proposed rulemaking (Rule 22) is available at www.epa.gov/snap/snap-regulations, which will be updated once these rules are published in the Federal Register. To view the public docket, visit www.regulations.gov and search for docket number EPA-HQ-OAR-2017-0472.

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To: Jason Sloan[jlsloan@csg.org]
From: Jason Sloan
Sent: Thur 11/16/2017 7:11:05 PM
Subject: Register Today for AAPCA's 2018 Spring Meeting (April 4 - 6 in Lexington, KY)



ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2018 SPRING MEETING

April 4-6 | Hilton Lexington/Downtown | Lexington, Kentucky

AAPCA 2018 Spring Meeting in Lexington, Kentucky

Registration is now open for the Association of Air Pollution Control Agencies' (AAPCA) 2018 Spring Meeting, which will be held April 4 – 6 at the Hilton Lexington/Downtown Hotel in Lexington, Kentucky. You can register through the Association's website. Registration rates are \$125 for AAPCA members and personnel from local, state, and federal governments, and \$350 for non-governmental attendees. The registration page includes a tentative agenda and hotel information for the Hilton Lexington/Downtown Hotel (369 West Vine Street, Lexington, KY 40507), including a direct link to book hotel rooms in AAPCA's hotel block at a rate of \$108/night plus applicable taxes and fees. The hotel is approximately 6 miles from the Blue Grass Airport in Lexington. The hotel cut-off and registration deadline is March 15, 2018.

AAPCA expects senior officials from more than twenty environmental agencies to attend, as well as participation from partners at U.S. EPA and several EPA Regions. AAPCA's Spring Meeting will kick off with a topical session on Disaster Response and Planning on the afternoon of April 4, followed by AAPCA's closed Board session and an Opening Reception that evening. Both the topical session and Opening Reception are open to all attendees. Programming on Thursday, April 5 (8:00 AM – 5:30 PM) is open to all interested participants, and includes breakfast and a keynote luncheon. Sessions on Friday, April 6 (8:30 AM – 12:00 PM) are limited to AAPCA members and governmental attendees, and include a Committee Breakout Breakfast. AAPCA will provide participants a more detailed agenda, which will include panels, presentations, and discussion on timely Clean Air Act topics.

Lexington, Kentucky is known as the "Horse Capitol of the World" and is home to AAPCA – more information on the city can be found on Commerce Lexington's website and at

www.visitlex.com. The last day of AAPCA's 2018 Spring Meeting coincides with opening race day at Keeneland, a famed thoroughbred horse racing track.

2018 National Air Quality Conference in Austin, Texas

As a reminder, the National Air Quality Conference, co-hosted by U.S. EPA and AAPCA, has been rescheduled for January 24 – 26 at the Sheraton Austin Hotel at the Capitol in Austin, Texas. Registration is now open, and hotel reservations can be made online here (room block rate of \$165/night plus applicable taxes/fees). You can also call the Sheraton's reservation line at (512) 478-1111 to book your hotel room (reference "EPA National Air Quality Conference room block" for discounted group rate). The hotel reservation deadline is January 5, 2018.

We look forward to seeing you next year in Lexington and Austin – Thanks!

Jason E. Sloan

Policy and Membership Associate

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8043 – office

jsloan@csg.org

<http://www.cleanairact.org>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Mon 8/14/2017 5:58:48 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

A Concur document for DAISY LETENDRE, TAA04TR2, Vch with a trip departure date of 08/07/17 has been stamped SIGNED by LETENDRE, DAISY Chastain and is now awaiting your action.

You can access ConcurGov at: <https://cge.concursolutions.com>

□

To: Lovell, Will (William)[lovell.william@epa.gov]; Feeley, Drew (Robert)[Feeley.Drew@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Billy Johnson
Sent: Thur 10/26/2017 7:47:37 PM
Subject: Thank you
Definition of Solid Waste for EPA on Oct 25.docx
National Economic Impact Report.pdf

Will and Drew: Thank you for meeting with us yesterday. We really appreciate the opportunity to discuss a number of issues that impact recycling in the U.S. I just wanted to follow up with you on the issues we discussed yesterday. I've attached the DSW paper and the economic impact analysis we left with you yesterday. One issue I want to follow up on is the uncertainty caused by the (delayed) crumb rubber study. As I mentioned, we fully support research including the nearly 100 existing studies that have already been conducted by a variety of sources including leading research universities as well as EPA and CPSC. However, the EPA study was originally supposed to be completed last fall adding to the anxiety among parents, teachers, athletes, and lawmakers at the state and local levels wanting some clarity. One of the problems with the initial report (in addition to no benchmarking or taking into account other environmental exposures such as a nearby highway or factory) was the failure to provide some context as to the risks of those identified chemicals/substances. When the initial report was released, groups pounced on the fact that lead existed in the crumb rubber causing further anxieties even though those levels of lead were significantly lower than the U.S. toy standard. Again, we support further research (and we have assisted EPA/CPSC/CDC/ATSDR from the beginning) but research needs to provide the answers the public and policymakers want rather than cause more anxiety. We have provided tours of facilities to EPA staff of crumb rubber manufacturing facilities and extend the invitation to you as well so you can see how crumb rubber is manufactured and tested to industry specifications. * One of the largest manufactures is located in nearby York, Pennsylvania. Please do not hesitate to contact me with any questions or if I may be of further assistance. Thank you again for meeting with us. Best regards, Billy

* Crumb rubber is only made from U.S. manufactured tires. No chemicals such as talc are added. This is contrary to crumb rubber sourced outside the U.S. (i.e. Nike Grind) that are sourced from a variety of rubber products.

William H. Johnson

Chief Lobbyist

1250 H Street, NW

Suite 400

Washington, DC 20005

(202) 662-8548 - direct

(202) 714-4259 - cell



The Institute of Scrap Recycling Industries, Inc. (ISRI) is the "Voice of the Recycling Industry." ISRI and its 21 chapters represent approximately 1,300 companies operating in nearly 4,000 locations in the U.S. and 34 countries worldwide that process, broker, and consume scrap commodities, including metals, paper, plastics, glass, rubber, electronics, and textiles. With headquarters in Washington, DC, ISRI provides education, advocacy, safety and compliance training, and promotes public awareness of the vital role recycling plays in the U.S. economy, global trade, the environment and sustainable development. Generating more than \$105 billion annually in U.S. economic activity, the scrap recycling industry provides nearly half a million Americans with good jobs. For more information about ISRI, please visit www.isri.org.

Need for a Solution to Distinguish “Scrap Commodities Destined for Recycling” from “Waste Destined for Disposal”

For decades, scrap recycling has been impeded by varying and evolving interpretations of “solid waste” at the federal, state and local levels. The result is that scrap destined for recycling has inappropriately been regulated as solid or hazardous waste, and recycling facilities as solid or hazardous waste facilities, layering costly, burdensome and inappropriate requirements on the recycling industry.

Federal Solutions: Regulatory, Legislative or Both?

The determination of whether materials are regulated as waste on the federal level is determined under the *Resource Conservation and Recovery Act* (RCRA), the federal environmental statute that establishes the nationwide framework for solid and hazardous waste management. Although the RCRA statute contains only one definition of solid waste,¹ that definition is interpreted and applied in two different and distinct programs established under RCRA:

- **RCRA Subtitle C Hazardous Waste Program:** implemented through a complex series of regulations that EPA was directed by statute to write. Thus, EPA was given authority for writing regulations that include a definition of what is considered solid waste for the purpose of determining what is potentially hazardous waste and therefore subject to regulation under Subtitle C. The resulting regulations – which have been modified several times over the years, most recently in 2015 - contain the only explicit language found in federal law that details what recyclable materials are solid waste. Thus, they are often referred to and used in absence of other language. And, from the beginning, EPA has included language that pulls in “scrap metal” and then pushes it out via a set of recycling exemptions and exclusions.

Current Situation: Subtitle C Definition of Solid Waste at 40 CFR §261.2 (DSW) and its Exclusions at 40 CFR §261.4, recognize that recycled processed, home, and prompt scrap metal are outside and excluded from the definition of solid waste, but do not recognize that unprocessed scrap metal destined for recycling is outside the solid waste definition (§261.2) or excluded from it (§261.4). Unprocessed scrap metal that is recycled is technically a solid or hazardous waste but exempted from Subtitle C regulation at 40 CFR §261.6(a)(3)(ii). While this situation is tolerable, unprocessed scrap metal destined for recycling should be outside and excluded from DSW on its merits, just as recycled processed, home, and prompt scrap metal are.

¹ RCRA§6903: Definitions ... (27) The term “solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 1342 of title 33, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) [42 U.S.C. 2011 et seq.].

(28) The term “solid waste management” means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(29) The term “solid waste management facility” includes—

(A) any resource recovery system or component thereof,
(B) any system, program, or facility for resource conservation, and

(C) any facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid wastes, including hazardous wastes, whether such facility is associated with facilities generating such wastes or otherwise.

- **RCRA Subtitle D State or Regional Solid Waste Management:** focuses on state governments as the primary entity for regulating the management of non-hazardous solid waste (including household garbage and industrial solid wastes). EPA's role is in developing guidelines and a basic regulatory framework for use by the states. The definition of solid waste contained within the Subtitle D regulations developed by EPA is simply the statutory definition verbatim,² leaving it to states to interpret.³

Current Situation: The RCRA Subtitle D regulations (40 CFR §239 - §259) do not include a process for determining whether a material is solid waste nor do they include any exclusions from solid waste. Whereas Subtitle C of the statute directs the Administrator of EPA to implement "Identification and listing of hazardous waste", which allows for exclusions and exemptions, Subtitle D provides no such direct authority for the Administrator to implement "Identification and listing of non-hazardous solid waste."

Further, there is no Subtitle D regulatory language linking the exclusions and exemptions in Subtitle C to D. Thus, even if all scrap metal destined for recycling were outside or excluded from DSW under Subtitle C, this would have no effect on their designation under Subtitle D. In addition, nonhazardous nonmetallic scrap commodities that are recycled – including recovered fiber/scrap paper, scrap plastics, scrap textiles, scrap glass, and scrap rubber – while not subject to RCRA Subtitle C are subject to RCRA Subtitle D. Thus, states are free to include scrap commodities as solid waste and do so, thus often subjecting recyclers to flow control, solid waste management plan requirements, and other regulatory requirements that have no applicability and add additional layers of cost and compliance burdens on individual recyclers.

Options for addressing the problem:

1. **Modify the Statutory Definition of Solid Waste to Specifically Exclude Scrap Commodities:** Specifically, add the following language to the end of 42 USC §6903(27):

"Used or recyclable metals, paper, plastic, glass, rubber, and textiles that are destined for reuse or recycling as valuable commercial commodities are not, and shall not be, deemed to be solid waste under any provision of law."

Note that the following report language was contained in the June 2016 Senate Report accompanying S. 3068 (Department of the Interior, Environment and Related Agencies Appropriations Bill, 2017) as we could not get language amending RCRA itself:

"Recycling.—The Committee finds that, in order to increase recycling, it is necessary to clarify that recyclables (i.e., metals, paper, plastic, glass, rubber, and textiles) should not be regulated as "waste" but rather as valuable commodities with significant economic and

² 42 USC §6903(27): "Solid waste means any garbage, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)." 40 CFR § 258.2.

³ The Subtitle D regulations actually include the definition of solid waste in 5 different places (40 CFR §§240, 243, 246, 257, and 258), but with only slight variation in each to make each applicable as necessary to the specific section of concern.

environmental benefits. Under the Resource Conservation and Recovery Act [RCRA], the Agency has the statutory authority to regulate the management and disposal of hazardous and non-hazardous solid waste. Regulatory uncertainty around whether and when a substance becomes a solid waste subject to RCRA's regulatory and compliance schemes is the central challenge facing the recycling industry. The Committee acknowledges the process established by the Agency in its January 2015 Definition of Solid Waste rule to ensure that certain scrap materials are legitimately recycled. The Committee notes that qualifying scrap materials which are handled in accordance with the rule are not solid waste, but are instead commodity-grade materials."

2. **EPA Guidance to the States.** EPA could issue clear, written guidance to its regional offices and state authorities stating that scrap commodities – including scrap metal, paper, plastics, glass, textiles and rubber – destined for recycling are outside of and excluded from, the Subtitle D definitions of solid waste. In the absence of a legislative solution, this would be the most effective solution.

Rationale for Scrap is not Waste

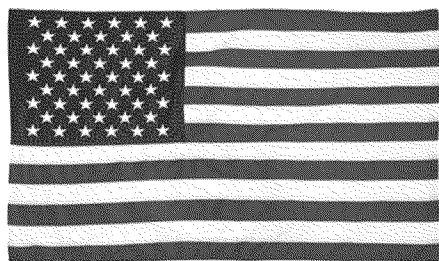
Recyclable materials (referred to as "scrap" by the recycling industry) are commodities— they are not waste. They are highly valuable and tradeable products, produced according to globally recognized specifications for purchase by industrial consumers—including steel mills, metal refiners, plastic manufacturers, foundries, and paper mills—to meet their raw material needs. Manufacturers value the use of scrap for the significant cost and energy savings provided. Recycled materials are routinely used as substitutes in place of virgin commodities since they are often less expensive, of comparable—if not better—quality, and save energy which are all important factors in the manufacturing process.

As one can imagine based on these examples – and there are many more – recycling is an important economic engine and very much integral to modern manufacturing. This concept was recognized by the National Lieutenant Governors Association (NLGA) last year when they adopted "A Resolution On The Importance Of Recycling And Distinguishing Recyclable Materials As Valuable Commodities That Are Not Solid Waste." The Resolution concludes as follows –

"BE IT FINALLY RESOLVED that the NLGA will be an engaged forum for collaboration among states to pursue SMM that recognizes the importance of recycling and that recyclable materials such as metals, paper, plastic, glass, rubber, and textiles that are recycled directly as a viable commercial feedstock or commodity should not be, deemed to be solid waste."

EPA itself acknowledged the distinction between scrap commodities and waste materials almost 15 years ago, although not in regulation. In 2003, EPA tasked staff to take a futuristic look at the Agency's work in the year 2020. Out of that effort came the work entitled, Beyond RCRA. Beyond RCRA makes clear that scrap materials are not waste. Along with the recommendation that the Agency move from materials control to a materials management focus. As such, it was important not to treat recyclables as wastes, but rather manage them for what they are – feedstock for the manufacture of new products. The Agency recognized then that with recycling such materials comes avoidance and concomitant costs of environmental degradation – the Environmental Protection Agency's primary mission. Beyond RCRA was used in the last few years at EPA to jump start a serious Sustainable Material Management (SMM) program. As EPA understood, in 2003 and beyond, that scrap materials are valuable materials and not waste materials, there is nothing preventing the Agency from implementing that understanding in 2017,

and Congress should do the same by statute.



The Economic Impact of the Scrap Recycling Industry in the United States

| | DIRECT | SUPPLIER | INDUCED* | TOTAL |
|------------------------|------------------|------------------|------------------|-------------------|
| Jobs | 155,632 | 175,587 | 203,287 | 534,506 |
| Wages | \$11,908,224,800 | \$11,679,223,300 | \$10,722,931,500 | \$34,310,379,600 |
| Economic Impact | \$43,816,864,000 | \$38,604,351,600 | \$34,544,879,500 | \$116,966,095,100 |

*Re-spending by employees of industry and supplier firms.

THE U.S. SCRAP RECYCLING INDUSTRY

THE SCRAP RECYCLING INDUSTRY CREATES JOBS IN THE UNITED STATES

- As the first link in the manufacturing supply chain, the scrap recycling industry plays a prominent role as a job creator, economic leader, major exporter, and environmental steward.
- There are an estimated 534,506 jobs (FTE) supported by the recycling industry in the United States that pay average wages and benefits of \$64,200.
- In addition, the scrap recycling industry accounts for \$13.21 billion in federal, state and local taxes.
- More than 130 million metric tons of scrap are recycled in the United States each year, providing vital raw materials to U.S. manufacturers and helping to fuel global growth.

SCRAP RECYCLING: A GREEN INDUSTRY WITH A LARGE ECONOMIC IMPACT

- Recognized as one of the world's first green industries, scrap recycling reduces the need to deplete our natural resources, produces significant energy savings, and reduces the amount of material being sent to landfill.
- The scrap recycling industry's **TOTAL ECONOMIC IMPACT IN THE UNITED STATES IS \$116.97 BILLION.**
- When all scrap materials are taken into account, the U.S. scrap recycling industry accounts for 0.63 percent of the nation's total economic activity.
- Scrap recycling in the United States annually saves the CO₂ equivalent of 410 million tons of greenhouse gas emissions, according to EPA estimates.

THE U.S. SCRAP INDUSTRY CREATES AND SUPPORTS JOBS IN THE UNITED STATES

| DIRECT IMPACTS | JOBS | WAGES | ECONOMIC IMPACT |
|-----------------------------|----------------|-------------------------|-------------------------|
| Recyclers | 148,774 | \$11,295,806,700 | \$42,108,915,300 |
| Brokers | 6,858 | \$612,418,100 | \$1,707,948,700 |
| TOTAL DIRECT IMPACTS | 155,632 | \$11,908,224,800 | \$43,816,864,000 |

| SUPPLIER IMPACTS | JOBS | WAGES | ECONOMIC IMPACT |
|----------------------------------|----------------|-------------------------|-------------------------|
| Agriculture | 6,017 | \$274,478,200 | \$576,615,600 |
| Mining | 2,538 | \$294,793,300 | \$1,420,702,400 |
| Construction | 2,767 | \$161,641,900 | \$496,602,600 |
| Manufacturing | 21,204 | \$1,657,301,600 | \$11,262,611,400 |
| Transportation & Communication | 17,631 | \$1,444,974,900 | \$5,516,784,500 |
| Wholesaling | 11,051 | \$986,176,100 | \$2,750,307,600 |
| Retailing | 2,774 | \$95,710,000 | \$242,371,600 |
| Finance, Insurance & Real Estate | 17,140 | \$1,110,975,800 | \$4,496,345,200 |
| Travel & Entertainment | 13,398 | \$354,803,100 | \$918,496,000 |
| Business & Personal Services | 78,150 | \$5,040,070,800 | \$10,358,685,300 |
| Government | 2,917 | \$258,297,600 | \$564,829,400 |
| TOTAL SUPPLIER IMPACTS | 175,587 | \$11,679,223,300 | \$38,604,351,600 |

| INDUCED IMPACTS | JOBS | WAGES | ECONOMIC IMPACT |
|----------------------------------|----------------|-------------------------|-------------------------|
| Agriculture | 3,906 | \$177,781,400 | \$551,054,900 |
| Mining | 973 | \$115,932,800 | \$507,287,200 |
| Construction | 2,435 | \$142,467,300 | \$447,262,500 |
| Manufacturing | 9,859 | \$744,440,500 | \$5,742,896,000 |
| Transportation & Communication | 10,778 | \$904,073,800 | \$3,989,576,600 |
| Wholesaling | 6,104 | \$544,677,000 | \$1,519,028,300 |
| Retailing | 25,793 | \$921,825,900 | \$2,089,687,400 |
| Finance, Insurance & Real Estate | 24,635 | \$1,479,648,100 | \$8,449,040,300 |
| Travel & Entertainment | 30,288 | \$783,464,700 | \$2,125,534,700 |
| Business & Personal Services | 82,766 | \$4,627,792,200 | \$8,407,060,000 |
| Government | 2,493 | \$215,509,200 | \$570,977,000 |
| TOTAL INDUCED IMPACTS | 203,287 | \$10,722,931,500 | \$34,544,879,500 |

| | | | |
|------------------------------|----------------|-------------------------|--------------------------|
| TOTAL ECONOMIC IMPACT | 534,506 | \$34,310,379,600 | \$116,966,095,100 |
|------------------------------|----------------|-------------------------|--------------------------|

| TAXES | Federal | State & Local | TOTAL TAXES |
|----------------|-----------------|-----------------|------------------|
| Business Taxes | \$8,257,056,200 | \$4,952,376,500 | \$13,209,432,700 |

Some details may not add up due to rounding.

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: jerrold.m.jung@gmail.com
Sent: Tue 7/11/2017 1:14:20 PM
Subject: Re: Meeting with Jerry Jung

Thank you! See you tomorrow.

Sent from my iPad

On Jul 11, 2017, at 9:08 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Directions: Please use the **William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station**. Please arrive 10 minutes prior to the meeting with photo IDs to clear Security.

EPA Contact: For an escort from Security to the meeting call (202) 564-4332; for all other matters call Robin Kime (202)564-6587.

From: Jerry Jung [mailto:jerrold.m.jung@gmail.com]
Sent: Friday, April 28, 2017 3:08 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bill Schuette <billschuette53@gmail.com>

I reached out to Mr. Schuette to give me your contact information because I wanted to keep Mr. Pruitt's office in the loop regarding op eds in the Washington Times. The Times will be running a section on energy. When they have asked me to submit an op-ed on the topic of ethanol, they mentioned that they would also be publishing an op-ed from Mr. Pruitt.

Attached is what I have submitted. I suspect that my views are in line with those of Mr. Pruitt, but I wanted to provide him an opportunity to comment on what I wrote. Any comments or suggestions that his office has would be welcome.

Jerry Jung

586-850-8096

<mime-attachment.ics>

<Jung Rethink Ethanol Opinion Washington Times EnergySection_Final (1).pdf>

<Bio (16).docx>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Elam Harden, Sonya
Sent: Wed 9/27/2017 11:07:29 PM
Subject: RE: Re: EPA region V contact for SO2 attainment discussion

Samantha,

I just wanted to say thank you for the help regarding Alcoa's issue for SO2 attainment. After a few discussions with EPA Region V, they have been receptive to receiving our modeling protocol. We greatly appreciate the consideration by the agency, and for all your help.

Best,
Sonya

By the way, you may see one of my colleague at the NAM event you are attending tomorrow!

Sonya Elam Harden
Vice President, Government Affairs - Western Hemisphere
Alcoa Corporation
Mobile +01 864 357 1258 | sonya.harden@alcoa.com | www.alcoa.com

-----Original Message-----

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Friday, August 18, 2017 2:26 PM
To: Elam Harden, Sonya <sonya.elam@alcoa.com>
Cc: Shelby, Laurie M. <Laurie.Shelby@alcoa.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: EXT: Re: EPA region V contact for SO2 attainment discussion

I don't believe so. I understand it has been communicated to Region 5 that we will be working with states who have areas as unclassifiable to obtain more information from them. I am copying in Mandy, my colleague who works with OAR, to confirm.

Sent from my iPad

> On Aug 18, 2017, at 2:08 PM, Elam Harden, Sonya <sonya.elam@alcoa.com> wrote:
>
> Samantha,
>
> Just checking in to see if there is anything else you need from Alcoa regarding this issue. We have learned from the state of Indiana that the 120-letter will be mailed next week, and they anticipate that Warrick County could be cited as "unclassifiable". We'll keep you posted.
>
> Greatly appreciate your help. Have a good weekend.
>
> Best,
> Sonya
>
>
> Sonya Elam Harden

> Vice President, Government Affairs - Western Hemisphere
> Alcoa Corporation
> Mobile +01 864 357 1258 | sonya.harden@alcoa.com | www.alcoa.com
>
>
>
>
>
>
>
>
> -----Original Message-----
> From: Shelby, Laurie M.
> Sent: Thursday, August 10, 2017 1:04 PM
> To: dravis.samantha@epa.gov
> Cc: Elam Harden, Sonya <sonya.elam@alcoa.com>
> Subject: EPA region V contact for SO2 attainment discussion
>
> Hi Samantha,
> Based on our call yesterday, John Mooney is the appropriate contact at Region V to discuss the modeling issues for Warrick county.
> His number is 312-886-6043.
>
> Thanks and please let us know if you need any additional information. Laurie
>
> Sent from my iPhone
>
>
> Sent from my iPhone

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: quarantine@messaging.microsoft.com
Sent: Wed 10/18/2017 1:16:24 AM
Subject: Spam Notification: 1 New Messages

Dear dravis.samantha@epa.gov:

You have 1 new spam-quarantined messages as of Oct 18, 2017 12:00 AM (UTC) which are listed below along with the actions that can be taken:

Release to Inbox: Send the message to your Inbox.

Report as Not Junk: Send a copy of the message to Microsoft for analysis.

| Sender | Subject | Date
(UTC) | Size | Release | Report |
|--|------------------------------------|----------------------|-------|------------------------------|---------------------------------|
| "Virtual_Intelligence_Briefing@mail.v[redacted]@epa.gov" | [redacted] Insights] | Oct 17, 2017 7:31 PM | 77 KB | Release | Report |
| <Virtual_Intelligence_Briefing@mail.v[redacted]@epa.gov> | Gospel - To Cloud or Not to Cloud? | | | to
Inbox | as Not
Junk |

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Rashid G. Hallaway
Sent: Fri 8/4/2017 12:55:14 AM
Subject: Re: Thank You

Very kind of you. I will consolidate the info so we aren't bombarding you. Thank you very much.

> On Aug 3, 2017, at 8:52 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> Thank you, Rashid. Please do distribute my contact information to those who had questions.

>

> Best,

> Samantha

>

> Sent from my iPad

>

>> On Aug 3, 2017, at 3:38 PM, Rashid G. Hallaway <rhallaway@hhqventures.com> wrote:

>>

>> Hi Samantha,

>>

>> Thank you so much for coming to Liberty yesterday. It was a great event and meant a great deal to Mr. Chancellor and the entire White Stallion Energy workforce.

>>

>> Your boss is incredible. I truly admire his courage and conviction. Those qualities are in short supply today.

>>

>> Please let me know if I can be of assistance. My cell is (202) 486-0521.

>>

>> Thanks for all you do.

>>

>> Rashid

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Martella, Roger (GE Corporate)[Roger.Martella@ge.com]; Fitzpatrick, Michael (GE Corporate)[michael.fitzpatrick@ge.com]; Prowitt, Peter (GE Corporate)[Peter.Prowitt@ge.com]; Austell, Theodore[theodore.austell@boeing.com]; Moloney, John M[John.M.Moloney@boeing.com]
From: Pagano, Peter A
Sent: Fri 7/21/2017 4:52:29 PM
Subject: Thank you and peer review request fyi

Hi Samantha,

Thank you again for setting up the meeting with the Administrator for us and GE. We thought it was a very constructive discussion and look forward to working with you and the rest of the team in the future to advance aviation manufacturing in the US.

I did want to take this opportunity to followup on one question that was raised regarding work on the aircraft proposal by OTAQ and make sure you were aware of a request sent to one of our engineers. Just to be clear, we have not had a face to face meeting with OTAQ since last Fall, but we understand that they have engaged a contractor (EnDyna) to facilitate a peer review of a technical report that was cited in the previous actions regarding aircraft that the program took in 2015 and 2016. We learned of this when one of our technical fellows was recently sent an email by the contractor asking if he was interested in participating in a document review. Unfortunately, he did not feel he was the right fit for this opportunity and declined. However, we believe if this type of work is proceeding industry should be represented in the peer review process. Although we have not been asked to propose names of possible alternate reviewers we intend to forward additional potential candidates (with and without a Boeing connection) for consideration for this activity. Please let me know if you have any questions or concerns and we look forward to speaking with you again soon.

All the best,

Peter A. Pagano

Director, Environment

The Boeing Company

703-414-6486

Email: peter.a.pagano@boeing.com

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Thur 7/27/2017 5:46:05 PM
Subject: ConcurGov Correspondence

dravis.samantha@epa.gov

You have a Concur document, VCH148242 SAMANTHA DRAVIS, with a trip departure date of 07/17/17 that has been returned. Please fix the document and sign so the routing can start over. If you do not fix the document reservations will be lost and/or reimbursement will be delayed.

You can access ConcurGov at: <https://cge.concursolutions.com>

□

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]; Inge, Carolyn[Inge.Carolyn@epa.gov]
From: EPA@BCDTRAVEL.COM
Sent: Thur 8/17/2017 9:14:53 PM
Subject: Travel Itinerary for DRAVIS / SAMANTHA K

TRAVELER NOTICE - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change.

Travelers are responsible for verifying all fees charged by individual carriers.

Please visit the operating carrier website of your ticketed itinerary for applicable fees.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: TAA04VK0

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
.
08/31/2017 DCA- DL 1726 Confirmed 05:32 PM/08:15 PM Economy / M
LAX
08/31/2017 LAX- DL 41 Confirmed 10:46 PM/06:50 AM +2 Business / D
SYD
09/06/2017 SYD- DL 40 Confirmed 1:15 AM/08:05 AM Economy / M
LAX
09/06/2017 LAX- DL 1343 Confirmed 1:41 AM/07:11 PM Economy / M
DTW
09/06/2017 DTW- DL 1653 Confirmed 07:55 PM/09:26 PM Economy / M
DCA

Delta Air Lines Flight DL1726 Economy

Depart: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States
05:32 PM Thursday, August 31 2017

Arrive: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
08:15 PM Thursday, August 31 2017

Duration: 5 hour(s) and 43 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX

Meal: Dinner
Equipment: Boeing 757-200 (winglets) Passenger
Seat: 36F (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 2304 miles / 3707.136 kilometers
CO2 Emissions: 861.7 lbs/391.68 kgs

Remarks: AN AISLE SEAT IS NOT AVAILABLE
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.
PLEASE CHECK WWW.DELTA.COM

Delta Air Lines Flight DL41 Business

Depart: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
10:46 PM Thursday, August 31 2017

Arrive: Kingsford Smith, 1 - Terminal 1 (International) [Weather](#)

Sydney, New South Wales, Australia
06:50 AM Saturday, September 2 2017

.
Duration: 15 hour(s) and 4 minute(s) Non-stop
Total duration: **23 hour(s) and 18 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 11A (Non smoking, Aisle) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs
.

.
Delta Air Lines Flight DL40 Economy

.
Depart: Kingsford Smith, 1 - Terminal 1 (International)
Sydney, New South Wales, Australia
11:15 AM Wednesday, September 6 2017
Arrive: Los Angeles International Airport, Terminal 2
Los Angeles, California, United States
08:05 AM Wednesday, September 6 2017

[Weather](#)

[Weather](#)

.
Duration: 13 hour(s) and 50 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Dinner
Equipment: Boeing 777-200LR
Seat: 34D (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 7489 miles / 12049.801 kilometers
CO2 Emissions: 2,800.89 lbs/1,273.13 kgs
.
.

Delta Air Lines Flight DL1343 Economy

.
Depart: Los Angeles International Airport, Terminal 2 [Weather](#)
Los Angeles, California, United States
Wayne County, EM - E.M. McNamara [Weather](#)
Arrive: Terminal
Detroit, Michigan, United States
07:11 PM Wednesday, September 6 2017
.
Duration: 4 hour(s) and 30 minute(s) Non-stop
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Meal: Food For Purchase
Equipment: Boeing 757-300 Passenger
Seat: 38C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 1974 miles / 3176.166 kilometers
CO2 Emissions: 868.56 lbs/394.8 kgs
.

Delta Air Lines Flight DL1653 Economy

.
Depart: Wayne County, EM - E.M. McNamara [Weather](#)
Terminal
Detroit, Michigan, United States
07:55 PM Wednesday, September 6 2017
Arrive: Ronald Reagan National, Terminal B [Weather](#)
Washington, District of Columbia, United States
09:26 PM Wednesday, September 6 2017
.
Duration: 1 hour(s) and 31 minute(s) Non-stop
Total duration: **24 hour(s) and 10 minute(s) including layover(s)**
Status: Confirmed - Delta Air Lines Record Locator: JKFBMX
Equipment: Airbus Industrie A319
Seat: 23C (Non smoking) Confirmed
FF Number: XXXX016971 - DRAVIS/SAMANTHA K

Distance: 404 miles / 650.036 kilometers
CO2 Emissions: 177.76 lbs/80.8 kgs
.

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT
THE BCD TRAVEL TEAM AT 1-866-964-1346
FOR OUTSIDE THE US CALL COLLECT 770-829-2609
FOR THE HEARING IMPAIRED- PLEASE DIAL 711
TO ACCESS RELAY SERVICE- PROVIDE PHONE
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

TICKET IS NON REFUNDABLE/NON TRANSFERABLE.
CHANGES SUBJECT TO PENALTIES PLUS FARE INCREASE.
SOME CARRIERS REQUIRE CANCELLATION PRIOR TO DEPARTURE
OR YOUR TICKET MAY HAVE NO VALUE. CALL THE TRAVEL OFFICE
FOR CHANGES OR CANCELLATION OF THIS TRIP
CHECK WWW.CDC.GOV/TRAVEL FOR TRAVEL HEALTH ADVISORIES
PROPER DOCUMENTATION IS REQUIRED FOR ENTRY INTO
ARRIVAL COUNTRY
CHECK WWW.DHS.GOV/TRAVEL-ALERTS
FOR COUNTRY TRAVEL ADVISORIES

17Aug/04:14PM

TRAVELER NOTICE – Please check with your carrier(s) for travel documents required
(Passport, VISA, etc.) and security requirements regarding permitted and prohibited articles and
goods related to your travel.

| | | | | |
|---|--------------------------------------|---|--|---------------------------|
| | | | | |
| Air | Car | Hotel | Rail | Other |
| 7,839.66 USD | | | | |
| | | | | |
| Vendor | Fare information | Refund restrictions before departure | Change restrictions after ticketing | Ticket information |
| Air
DL1726 31Aug
DL41 31Aug
DL40 06Sep
DL1343 06Sep
DL1653 06Sep | Total:
USD 7,839.66 | REFUND
RESTRICTIONS
MAY APPLY | CHANGE
RESTRICTIONS
MAY APPLY | |
| All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation. | | | | |

Advice to Passengers

Transportation of Hazardous Materials

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Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

Note: Spare batteries and fuel cells are not permitted in checked or hold baggage. These items MUST be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

Email generated on 17Aug/9:14 PM UTC

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Lee Cowen
Sent: Mon 11/27/2017 10:21:40 PM
Subject: Fwd: CPPIB Oil & Gas Head Visit to DC Dec 5/6
[David Javdan.vcf](#)

Hi Samantha -

I hope you're enjoying the new gig! We miss you on the RAGA circuit. Please see below from our mutual friend David Javdan who is helping to set up meetings in DC for a friend/client from the Canadian Pension plan - who are looking for acquisitions in the Natural Resources arena. I think Admin. Pruitt would like meeting a fellow sports entrepreneur (see email below). Please let me know if the Administrator might have time to meet while Mr. Dey is in town (Dec. 5-6).

Thanks!

Lee

Lee Cowen
President
Cowen Consulting, LLC
Lee@CowenLLC.com
202-285-7777

----- Forwarded message -----

From: **Javdan, David** <djavdan@alvarezandmarsal.com>
Date: Tue, Nov 21, 2017 at 9:00 PM
Subject: CPPIB Oil & Gas Head Visit to DC Dec 5/6
To: "Lee Cowen (lee@cowenllc.com)" <lee@cowenllc.com>

Lee –

It was a pleasure speaking with you a few minutes ago, as always.

As discussed, a close friend and client of mine, Avik Dey, is the Global head of Natural Resources (oil and gas) for CPPIB (Canadian Pension Plan Investment Board), the \$300 billion private equity fund that invests Canada's pension fund.

Over the past two years alone they have done several US\$1 billion plus transactions:

<https://www.pehub.com/canada/2017/8/cppib-invests-in-5-6-bln-acquisition-of/#>

<http://www.proactiveinvestors.co.uk/companies/news/180772/cppib-snaps-up-us-12bn-stake-in-irish-gas-field-from-shell-180772.html>

<https://www.marketwatch.com/story/cppib-and-broe-group-to-buy-encana-oil-gas-assets-for-900-million-2015-10-08>

They are looking to invest billions more in the US energy sector.

Avik is a fairly accomplished and prominent person in his own right, one of Canada's 40 under 40 and the co-owner of a US Professional sports franchise, the Arizona Coyotes Hockey team: <https://www.bloomberg.com/news/articles/2014-09-04/canada-pension-hires-coyotes-owner-to-lead-energy-unit>; <http://www.cppib.com/en/public-media/headlines/2017/canada-pension-plan-investment-board-congratulates-avik-dey-being-named-canadas-top-40-under-40/>

He will be in Washington, DC December 5 and 6th and – confidentially – would like to meet a few folks while he is in town. Right now he schedule is open from lunchtime on the 5th through dinner on the 6th. As discussed I would appreciate your help setting up some meetings that you think might make sense.

As always, many thanks and all the best,

David A. Javdan

Managing Director

Alvarez & Marsal Holdings, LLC

1001 G Street, NW | Suite 1100 West | Washington, DC 20001

600 Madison Avenue| 8th Floor | New York, NY 10022

202.415.0873 (c) | 202.729.2126 (o) | 202.729.2101 (f)

Djavdan@alvarezandmarsal.com | djavdan@hotmail.com

Avik Dey

Managing Director, Head of Natural Resources
(Toronto Office)

Avik heads up our natural resources group.

Prior to joining CPPIB, Avik was President & CEO of Remvest Energy Partners in Houston, USA. Previously, he was a Founder and Chief Financial Officer of Remora Energy, a Private Equity backed energy company. He has been active in the global energy sector since 1999 with roles across industry, private equity and investment banking. He has previously worked with a number of organizations including First Reserve, Deutsche Bank and EnCana Corporation.

Avik currently serves on the board of Teine Energy. He also serves on the Board of Directors for Enactus Canada and the Young Professionals in Energy organization. He holds a Bachelor of Commerce in Finance from the University of Calgary.

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David Javdan
Managing Director
Alvarez Marsal North America LLC

Washington Center 1001 G Street, NW
Suite 1100 West
Washington, DC 20001
US

(+1) 202 729 2126 (Work Voice)
(301) 767-9434 (Home Voice)
(+1) 202 415 0873 (Voice Cell)

djavdan@alvarezandmarsal.com (Preferred Internet)
djavdan@hotmail.com (Internet)

Version

2.1

Name

Family: Javdan
First: David
Middle:
Prefix:
Suffix:

Formatted Name

David Javdan

Organization

Alvarez Marsal North America LLC

Title

Managing Director

Telephone Number (Work Voice)
(+1) 202 729 2126

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Telephone Number (Voice Cell)
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P.O. Address:

Extended Address:

Street: Washington Center 1001 G Street, NW
Suite 1100 West
Locality: Washington
Region: DC
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Country: US

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Suite 1100 West
Washington, DC 20001
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Electronic Mail Address (Internet)
djavdan@hotmail.com

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BBM PIN:335E29C1

X-MS-OL-DESIGN (CHARSET=utf-8)

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Last Revision
20171120T172030Z

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Rashid G. Hallaway
Sent: Tue 10/10/2017 5:06:53 PM
Subject: CPP Statement 10 10 17.pdf
CPP Statement 10 10 17.pdf
ATT00001.txt

Hi Samantha,

Congratulations on the announcement today. Attached is ACCCE's statement on CPP repeal. Hope you are well.

RH



For Immediate Release

October 10, 2017

Contact: Michelle Bloodworth

MBloodworth@Americaspower.org

ACCCE Welcomes Repeal of the Clean Power Plan

Washington, D.C. – Today, EPA Administrator Scott Pruitt is expected to sign a proposal to repeal the Clean Power Plan. ACCCE commends EPA for taking this action and issued the following statement by Paul Bailey, President and CEO.

“The Clean Power Plan is the poster child for bad regulation. It is illegal, expensive, and ineffective, and we commend Administrator Pruitt for repealing it,” said Bailey. “In addition, the Clean Power Plan would have caused the retirement of more coal -fueled power plants, which are needed to maintain a secure and resilient electricity grid. We look forward to working with EPA and other stakeholders to ensure that this sensible repeal is finalized quickly.”

Twenty-seven states sued EPA in the D.C. Circuit Court of Appeals to overturn the Clean Power Plan. Subsequently, the U.S. Supreme Court stayed the rule. The Clean Power Plan would cost as much as \$4 billion in 2020, rising to \$30 billion in 2030, according to EPA. At the same time, the Clean Power Plan would reduce global temperature increase by only 0.02 degree F (1/50th of a degree F) by 2100, and reduce sea level rise by only the thickness of two sheets of paper (0.2 millimeter).

###

The American Coalition for Clean Coal Electricity is a partnership of industries involved in producing electricity from coal. Coal, an affordable and reliable energy resource, provides one-third of our nation's electricity.

To: Dravis, Samantha[dravis.samantha@epa.gov]; Inge, Carolyn[Inge.Carolyn@epa.gov]; EPA@BCDTRAVEL.COM[EPA@BCDTRAVEL.COM]
From: EPA@BCDTRAVEL.COM
Sent: Tue 9/12/2017 6:14:40 PM
Subject: Authorization Required: Travel for Dravis/Samantha K * Travel date – 18Sep17 * REF: ZRHL3K

Name: DRAVIS/SAMANTHA K
Locator: ZRHL3K
Travel Date: 18Sep
Booking Pcc: 2F8M

Please ensure that your travel authorization is approved at least 72 hour prior to departure to enable ticketing and avoid possible cancellation.

.
Traveler

.
DRAVIS / SAMANTHA K

.
Reference number by traveler: Not Applicable

.
Date From/To Flight/Vendor Status Depart/Arrive Class/Type
. 09/18/2017 WAS/NY ~~P~~V 56 Confirmed 08:10 AM/11:21 AM Economy
09/18/2017 NYC Renaissance Times Square Hotel Confirmed 09/18-09/19
09/19/2017 NYP/WAS ~~S~~V 193 Confirmed 05:39 PM/09:13 PM Economy

.
Amtrak Train Number 56

.
Depart: Union Station, United States
New York, NY Monday, September 18 2017

Weather
Weather

Arrive:
11:21 AM Monday, September 18 2017

.
Duration: 3 hour(s) and 11 minute(s)
Class of Service: Economy
Confirmation: Not Available
CO2 Emissions: Per passenger mile is approximately 0.42 lbs/0.19 kgs
.

.
Renaissance Times Square Hotel
Address: 714 Seventh Ave.
New York, NY 10036
United States

Tel: +1 (212) 765-7676
Fax: +1 (212) 765-1962

.
Check In/Check Out: Monday, September 18 2017 - Tuesday, September 19 2017
Status: Confirmed
Number of Persons: 1
Number of Rooms: 1
Number of Nights: 1
Rate per night: USD 301.00 plus tax and any additional fees
Guaranteed: Yes
Confirmation: 90028263
Corp. Discount: XXXXV
CO2 Emissions: Per night is approximately 63.8 lbs/29 kgs
Remarks: CANCEL 3 DAYS PRIOR TO ARRIVAL
.

.
Amtrak Train Number 193

.
Depart: New York Penn Station, United States
Arrive: ~~05:39 PM Tuesday, September 19 2017~~
09:13 PM Tuesday, September 19 2017
.

Weather
Weather

.
Duration: 3 hour(s) and 34 minute(s)
Class of Service: Economy
Confirmation: Not Available
CO2 Emissions: Per passenger mile is approximately 0.42 lbs/0.19 kgs
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YOUR AMTRAK CONFIRMATION IS *39C439*
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THE BCD TRAVEL TEAM AT 1-866-964-1346
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PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST
48 HOURS PRIOR TO SCHEDULED DEPARTURE
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.

YOUR AMTRAK RESERVATION NUMBER IS .
AMTRAK TICKETS ARE NON REFUNDABLE IF LOST OR STOLEN
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YOU WILL NOT RECEIVE A PAPER TICKET. PLEASE PROCEED TO A
QUICK-TRAK KIOSK AND SWIPE YOUR CREDIT CARD TO PRINT
YOUR TICKET FOR BOARDING
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Renee Kaighn
Sent: Sat 7/1/2017 11:10:21 PM
Subject: Help Protect Refiners Jobs-Changing the "Point of Obligation"

Samantha Dravis,

The time is now to help prevent a massive loss of good-paying American jobs. The EPA currently implements the Renewable Fuel Standard in a way that makes all U.S. refiners responsible for ensuring that certain levels of renewable fuels are blended into gasoline, even if they do not have capabilities to do such blending.

This nonsensical set-up allows large integrated oil companies that blend more fuel than they refine and big convenience store gasoline chains (who do much of the blending) to collect valuable credits for the renewable fuel they blend into the pure gasoline they get from refineries. Independent refiners, who do little or no blending themselves, then end up purchasing those credits in order to demonstrate compliance with a process they have little control over. Small and independent refiners are at risk of going offline due to this backwards regulation, with 75,000-150,000 U.S. workers potentially impacted.

Please, help save our jobs and make this right. Please move the point of obligation for the RFS in a way that fixes this inequity.

Thank you.

Renee Kaighn
500 W Lafayette Dr.
West Chester, Pennsylvania 19382

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Foley, Allison D.
Sent: Tue 12/5/2017 11:16:47 PM
Subject: On behalf of the Utility Solid Waste Activities Group (USWAG): Request to meet regarding EO 13777 comments--PCB regulatory reform and burden reduction
USWAG PCB mtg request_Dravis_12.05.2017.pdf

Dear Ms. Dravis:

Attached please find a letter on behalf of the Utility Solid Waste Activities Group (USWAG), requesting a meeting to discuss certain regulatory reform issues raised in USWAG's comments on EO 13777 and focused on the federal regulations for polychlorinated biphenyls (PCBs). You can expect to receive a hard copy of this letter via USPS later this week.

Thank you for your consideration of this request. I look forward to the opportunity to discuss these important issues with you.

Best,

Allison D. Foley, Esq. | Venable LLP
t 202.344.4416 | f 202.344.8300 | m 845.797.6635
600 Massachusetts Avenue, NW, Washington, DC 20001

ADFoley@Venable.com | www.Venable.com

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Allison D. FoleyT 202.344.4416
F 202.344.8300
adfoley@venable.com

December 5, 2017

Samantha Dravis
Senior Counsel and Associate Administrator for Policy
Regulatory Reform Officer for Executive Order 13777
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Request for Meeting Regarding Polychlorinated Biphenyl (PCB) Regulatory
Reform and EPA's Burden Reduction/Smart Sector Initiatives

Dear Ms. Dravis:

I write on behalf of the Utility Solid Waste Activities Group (USWAG) to request a meeting with you and your staff to discuss important regulatory and burden reduction reform objectives that USWAG believes are consistent with Executive Order 13777 as well as EPA's Smart Sector Initiative. USWAG, formed in 1978, is an association of over one hundred and ten electric utilities, power producers, utility operating companies, and utility service companies located throughout the United States, including the Edison Electric Institute (EEI), the American Gas Association (AGA), the American Public Power Association (APPA), and the National Rural Electric Cooperative Association (NRECA). Together, USWAG members represent more than 73% of the total electric generating capacity of the United States, and service more than 95% of the nation's consumers of electricity and 92% of the nation's consumers of natural gas.

The regulatory reform/burden reduction issues at the heart of this request were described in detail in USWAG's comments on EO 13777, submitted to EPA on May 12, 2017 and attached hereto as Exhibit A. Specifically, USWAG requests a meeting to discuss certain of the regulatory reform/burden reduction issues related to the federal regulations applicable to polychlorinated biphenyl (PCB)-containing wastes. Of particular urgency are requests for:

- Clarification of the PCB disposal regulations at 40 C.F.R. § 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of < 50 ppm PCB in non-TSCA landfills (*see* Exhibit A at 10-11); and
- Modification of the PCB analytical rules throughout 40 C.F.R. Part 761 and including 40 C.F.R. §§ 761.61(a)(5)(B)(iv), 761.253, 761.272, 761.292, 761.358 and 761.395 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and composite samples (currently the automated soxhlet extraction method, Method 3541, though these

Ms. Samantha Dravis
US EPA
December 5, 2017
Page 2 of 2

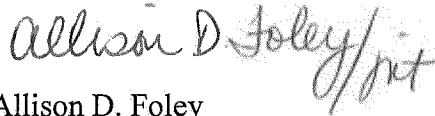
methods are constantly evolving and the regulatory text should therefore allow for use of whatever the most current method is at any particular time) (see Exhibit A at 11).

These regulatory amendments would eliminate unnecessary and costly regulatory burdens and logistical challenges that significantly delay PCB cleanup projects—without any risk-based justification. The requested regulatory changes would not only reduce unnecessary regulatory burden but will improve environmental outcomes by streamlining and accelerating PCB cleanup projects and associated compliance efforts by electric and gas utilities. The contemplated regulatory improvements would therefore be consistent with EO 13777 and the objectives of EPA's Smart Sector Initiative.

USWAG respectfully requests a meeting with you and your staff to discuss these issues in greater detail. Please suggest some times that would work for you.

Thank you for considering USWAG's request. We look forward to discussing these issues with you.

Respectfully,

A handwritten signature in cursive script that reads "Allison D. Foley/jnt".

Allison D. Foley
On behalf of the Utility Solid Waste Activities Group

EXHIBIT A

USWAG COMMENTS ON EO 13777



c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

May 12, 2017

Via Email

Samantha Dravis
Senior Counsel and Associate Administrator for Policy
Regulatory Reform Officer for Executive Order 13777
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Identification of Regulations for Repeal, Modification or Replacement Under
Executive Order 13777 (Docket ID No. EPA-HQ-OA-2017-0190)

Dear Ms. Dravis:

The Utility Solid Waste Activities Group ("USWAG")¹ submits these comments in response to Executive Order 13777 ("EO 13777") on "Enforcing the Regulatory Agenda,"² which furthers the policy goal of alleviating unnecessary regulatory burdens on the American people. EO 13777 directs the heads of federal agencies to establish Regulatory Reform Task Forces ("RRTF"), under the direction of an agency Regulatory Reform Officer ("RRO"), to oversee the implementation of reform activities and policies to ensure the effective carrying out of regulatory reforms including, among others, Executive Order 13771 ("EO 13771") on "Reducing Regulations and Controlling Regulatory Costs."

One of the key directives in EO 13777 is for RRTFs to "evaluate existing regulations³ and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law."⁴ In undertaking this task, EO 13777 directs that the RRTF shall attempt to identify regulations that, among other things:

¹ USWAG, formed in 1978, is an association of over one hundred and ten electric utilities, power producers, utility operating companies, and utility service companies located throughout the United States, including the Edison Electric Institute ("EEI"), the American Gas Association ("AGA"), the American Public Power Association ("APPA"), and the National Rural Electric Cooperative Association ("NRECA"). Together, USWAG members represent more than 73% of the total electric generating capacity of the United States, and service more than 95% of the nation's consumers of electricity and 92% of the nation's consumers of natural gas.

² Executive Order 13777 (Feb. 24, 2017) ("EO 13777"); *see* 82 Fed. Reg. 12285 (March 1, 2017).

³ EO 13777 refers to the definition of "regulation" or "rule" as defined in EO 13771, which includes, in pertinent part, "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency"

⁴ EO 13771 § 4.

- (i) eliminate jobs or inhibit job creation;
- (ii) are outdated, unnecessary, or ineffective;
- (iii) impose costs that exceed benefits; or
- (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies.⁵

In performing this evaluation, the RRTF is to seek input from entities significantly affected by Federal regulations including, among others, trade associations. USWAG is a trade association representing over one hundred and twenty power companies and four major utility trade associations significantly affected by hundreds of federal regulations arising under the Resource Conservation and Recovery Act (“RCRA”), the Toxic Substances Control Act (“TSCA”), the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), and provisions of the Clean Air Act (“CAA”). In particular, USWAG has represented the electric and natural gas industries for over 35 years on federal regulations involving the management of solid and hazardous waste under RCRA; hazardous substances under CERCLA, the combustion of solid wastes under section 129 of the CAA; and the management of chemical substances under TSCA. USWAG is therefore well positioned to identify regulations arising under the above-referenced federal statutes impacting the power industry that meet EO 13777’s criteria for repeal, replacement, or modification.

Below we identify those regulations falling under the various EPA offices. These regulations relate to: both the Office of Resource Conservation and Recovery (“ORCR”) and the Office of Emergency Management (“OEM”) within EPA’s Office of Land and Emergency Response (“OLEM”); the Office of Pollution Prevention and Toxics (“OPPT”) within EPA’s Office of Chemical Safety and Pollution Prevention (“OCSPP”); and the Office of Air Quality Planning and Standards (“OAQPS”) within EPA’s Office of Air and Radiation (“OAR”).

I. OLEM Regulations Warranting Repeal, Replacement or Modification

A. Coal Combustion Residuals Rule

One of the most significant rulemakings within OLEM in need of immediate modification and, in the case of some provisions, repeal, is the coal combustion residuals (“CCR”) rule under 40 C.F.R. Part 257. As EPA itself recognized upon promulgation of the CCR rule, the rule imposes costs on the regulated community that far exceed its benefits.⁶ As discussed below, the recent enactment of the Water Infrastructure Improvement for the Nation (“WIIN”) Act, which establishes procedures for states and EPA to implement the CCR rule through state or EPA permit programs, further warrants the modification of many provisions in the CCR rule to reflect its implementation through permit programs, as opposed to the rule’s original self-implementing regime.

⁵ EO 13777 § 3(d)(i)-(iv).

⁶ See 80 Fed. Reg. 21302, 21460 (April 17, 2015).

In particular, EPA removed certain provisions from the final CCR rule—which were contained in the 2010 CCR proposal⁷ and drawn from EPA’s Part 258 municipal solid waste landfills (“MSWLF”) program—that would have allowed for tailoring of the rule’s groundwater monitoring and corrective action programs based on site-specific conditions. EPA did this because, under the existing CCR rule and in contrast to the MSWLF program, there is no regulatory body overseeing implementation of the CCR rule through an enforceable permit program. EPA explained, “[i]n particular, the possibility that a state may lack a permit program for CCR units made it impossible to include some of the alternatives available in 40 CFR Part 258 [the MSWLF program], which establish alternative standards that allow a state, as part of its permit program to tailor the default requirements to account for site specific conditions at the individual facility.”⁸

With the enactment of the WIIN Act, however, the states and EPA may now implement the CCR Rule through a permit program or other system of “prior approval” (collectively “state CCR permit programs”). Therefore, EPA’s rationale for not including these risk-based provisions in the final rule no longer exists. The rule should be modified to include these common sense, risk-based management options. Given the time necessary to transition to CCR permit programs as contemplated under the WIIN Act and make the substantive risk-based revisions to the CCR rule, it also is necessary for EPA to immediately extend upcoming deadlines in the CCR rule to avoid large capital expenditures by the regulated community for elements of rule that may be implemented differently under future CCR permits.

These modifications to the CCR rule and additional recommended changes to the CCR rule identified below find further support in the President’s recent Executive Order on “Promoting Energy Independence and Economic Growth.” (“EO 13783”).⁹ EO 13783 directs, among other things, that heads of federal agencies immediately “review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, *coal*, and nuclear energy resources.”¹⁰ The CCR rule is an “agency action” that directly burdens the use of coal as an energy resource by imposing unduly stringent and extremely costly regulations on the management of CCR—the byproduct from the use of coal as an energy source. Indeed, the CCR rule can be as problematic as the Clean Water Act Effluent Limitations Guidelines Rule for the Steam Electric Power Generating Point Source Category (“ELG Rule”) on coal-fired power generation. Put simply, the use of coal as an energy source is significantly frustrated, and in some cases rendered untenable because the costs of managing residuals from this energy source (*i.e.*, CCR) are unduly burdensome and/or force the premature closure of CCR disposal units. Therefore, repeal and/or modification of the provisions of the CCR rule identified below are warranted under both EO 13777 and EO 13783.

⁷ 75 Fed. Reg. 35128 (June 21, 2010).

⁸ 80 Fed. Reg. at 21396-97.

⁹ Executive Order 13783 (Mar. 28, 2017) (“EO 13783”); *see* 82 Fed. Reg. 16093 (Mar. 31, 2017).

¹⁰ *Id.* at § 2 (emphasis added).

1. Extensions of Compliance Deadlines: It is critical that EPA extend compliance dates established in the CCR rule to provide time for implementation of state permit programs. This will avoid capital expenditures for elements of the rule that may be implemented differently by a state permit program (e.g., the use of risk-based standards that are equally protective). Extension of the deadlines also is necessary to ensure alignment of the CCR Rule's requirements with EPA's recent postponement of the compliance dates for implementation of the ELG Rule. Coordination of the CCR and ELG Rules' compliance time frames has been one of the overarching objectives of the Agency to ensure that owners/operators of CCR units are not forced to make decisions affecting these units under the CCR Rule without first understanding the ELG requirements. Such extensions should include the time schedules in 40 C.F.R. § 257.90(b) and § 257.90(e) for initiating groundwater monitoring, as well as the time schedules in 40 C.F.R. §§ 257.60-.64 for assessing compliance with the CCR rule's location restrictions.
2. Alternative Risk-Based Groundwater Protection Standards: The Agency should incorporate into the CCR rule the option set forth in the proposal allowing for the use of alternative risk-based standards in establishing groundwater protection standards for Appendix IV constituents that do not have an MCL.¹¹ This provision should be added to the final CCR rule at 40 C.F.R. § 257.95(h).
3. Selection of Corrective Action Remedy: The rule's corrective action remedy provision needs to be amended to allow for the consideration of "the desirability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives." And, as set forth in the proposed rule and allowed for under the MSWLF program, the final rule should be amended to allow for a determination that corrective action is not necessary as it would not result in any meaningful environmental benefit (e.g., where the groundwater is not a source of drinking water and there is a low likelihood of contamination migrating off-site). These provisions should be added to 40 C.F.R. § 257.97.
4. Alternative Points of Compliance & Site-Specific Groundwater Monitoring Constituents: EPA should incorporate into the rule provisions already in the MSWLF program providing a permitting authority (1) the option to determine the appropriate point of compliance for the groundwater monitoring system based on site-specific conditions, and (2) the ability to tailor the constituents subject to groundwater monitoring based on site-specific conditions. These provisions should be added to 40 C.F.R. § 257.91 and § 257.94, respectively.

¹¹ See Proposed 40 C.F.R. § 257.95(h); 75 Fed. Reg. at 35249-50.

5. Adjustments to Post-Closure Care Period: EPA should incorporate into the final CCR rule a provision (as is available under RCRA's MSWLF and Subtitle C hazardous waste programs) allowing for a determination that a decreased period of post-closure care, as opposed to the mandatory 30-year period, is sufficient to protect human health and the environment. This provision should be added to 40 C.F.R. § 257.104(c).
6. Alternative Closure: EPA should modify the CCR rule at 40 C.F.R. § 257.103 to allow for the consideration of alternative disposal capacity for non-CCR wastewaters for purposes of qualifying for extended closure and avoiding premature closure of the facility. The goal of § 257.103 is to prevent the premature closure of power plants in circumstances where a surface impoundment otherwise required to close is authorized to continue operating for a limited period of time if there is no alternative disposal capacity to dispose of CCR.¹²

The rule currently only allows for the consideration of the lack of available disposal capacity for CCR in determining eligibility for continued operation. In developing the rule, however, EPA was well aware of, and the rule in fact fully contemplates, surface impoundments ceasing the receipt of CCR but continuing to receive non-CCR wastewaters and continuing to operate under the rule.¹³ Therefore, this provision needs to be amended to allow for the continued operation of surface impoundments otherwise required to close, if there is no available disposal capacity for non-CCR wastewater managed in the impoundment.¹⁴

7. Regulation of Inactive Units: For the first time in its 35-year implementation of the RCRA program, EPA made the unprecedented decision in the CCR rule to regulate "inactive units"—that is, impoundments that had ceased receiving CCR before the effective date of the CCR rule. EPA does *not* regulate "inactive" units under its Subtitle C hazardous waste program but rather relies on its statutory "imminent and substantial endangerment" authorities under RCRA and CERCLA to address any potential risks from inactive hazardous waste surface impoundments. EPA's asserted jurisdiction over inactive CCR surface impoundments is not mandated by the statute, but rather was a policy decision by the former EPA administration.¹⁵

This provision is imposing hundreds of millions of dollars of inflexible, one-size-fits-all remediation costs on the power industry, overriding state risk-based cleanup programs. It is also one of the reasons why the rule's costs far exceed its benefits.

¹² This issue is currently the subject of litigation brought by USWAG and other industry petitioners challenging aspects of the CCR rule. *See USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

¹³ *See* 40 C.F.R. §§ 257.102(e)(1)(i), 257.102(e)(2)(i).

¹⁴ EPA has already agreed to re-evaluate this issue, and issue a proposed rule as appropriate, pursuant to a settlement agreement entered into with USWAG as a result of the CCR litigation referenced above in n. 12.

¹⁵ This issue also is the subject of litigation brought by USWAG and other industry petitioners challenging aspects of the CCR rule. *See USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

Therefore, EPA should repeal the provisions at 40 C.F.R. § 257.50(c) and § 257.100 subjecting inactive surface impoundments (*i.e.*, impoundments that did not receive CCR after the rule's effective date) to regulation under the rule. EPA and the states can address any risks from these units in a more cost-effective manner under pre-existing RCRA and CERCLA imminent hazard provisions.

8. CCR Beneficial Use for Closure: The CCR rule does not apply to the beneficial use of CCR provided such use meets the definition of "beneficial use" as set forth in 40 C.F.R. § 257.53. There are no prohibitions in the rule on beneficially using CCR for closure of CCR units. Indeed, the rule's preamble specifically identifies the beneficial use of CCR for waste stabilization/solidification, which occurs as part of closing a CCR unit.¹⁶ Nonetheless, subsequent to enactment of the CCR rule, EPA has been ambiguous regarding the appropriateness of beneficially using CCR for closing CCR units. There should be no ambiguity with respect to the environmentally sound and cost-effective use of CCR in lieu of virgin materials for the closure of CCR units. Therefore, EPA should eliminate any ambiguity regarding this issue and confirm that the exclusion for CCR beneficial use includes beneficially using CCR to close CCR landfills and surface impoundments.
9. CCR Beneficial Use at Clay Mine Sites: The plain language of the CCR rule's definition of "beneficial use" places no limitations on what activities can constitute beneficial use, with the only exception being the placement of CCR in a "sand and gravel pit or quarry." The phrase "sand and gravel pit or quarry," in turn, is defined as "an excavation for the extraction of aggregate, minerals or metals." Based on this language, EPA has taken a position prohibiting the environmentally sound and beneficial practice of using CCR to reclaim clay mines on the grounds that the placement of CCR in a clay mine cannot be a beneficial use, irrespective of purpose or function, because a clay mine is or was a site used for the extraction of minerals—*i.e.*, clay. This interpretation is needlessly prohibiting a cost-effective and environmentally sound CCR beneficial use practice and is imposing unnecessary disposal costs on CCR when the CCR can otherwise be beneficially used to reclaim clay mines in lieu of using virgin materials.

EPA should therefore clarify that the definition of "sand and gravel pit or quarry" does not include clay mines and that owners/operators of such sites be provided the opportunity, as is the case with other CCR beneficial use structural fill activities, to demonstrate that the use of CCR to reclaim such sites meets the CCR rule's beneficial use criteria.

10. State-Approved Liner Systems: In promulgating the CCR rule, EPA established liner design criteria that failed to include liner systems that state regulatory bodies have found to be acceptable for CCR units. This means, for example, some CCR units that

¹⁶ See 80 Fed. Reg. at 21353.

are considered to be “lined” under applicable state CCR requirements are nonetheless classified as “unlined” under the CCR rule, subjecting those CCR units to extremely burdensome requirements not imposed on lined units and, in some circumstances, including mandatory closure requirements.¹⁷ Given that the WIIN Act now allows the CCR rule to be imposed through enforceable state permit programs, this disregard for acceptable state liner requirements is at odds with the Administration’s principles of federalism. Therefore, EPA should modify the rule at 40 C.F.R. § 257.71 to allow for a determination that a CCR unit with an existing state-approved liner system qualifies as a lined CCR unit under the rule.

11. Definition of Beneficial Use: In promulgating the definition of “beneficial use” at 40 C.F.R. § 257.3, EPA mistakenly relied on a mathematical error in calculating the volume of CCR beneficially used in an unencapsulated manner that triggers the need to make an environmental safety demonstration. While the rulemaking record shows that the volume threshold triggering this requirement should have been 75,000 tons, EPA mistakenly calculated the number to be 12,400 tons. The Agency’s refusal to correct this figure despite its awareness of the error unnecessarily burdens power companies attempting to beneficially use CCR. EPA should therefore amend the definition of “beneficial use of CCR” at 40 C.F.R. § 257.53 such that the fourth condition applies only to unencapsulated uses exceeding 75,000 tons of CCR.¹⁸
12. Aquifer Location Restrictions as Applied to Existing Impoundments: In the final Rule, EPA subjected all existing impoundments to a location restriction requiring that the base of the unit be five feet above the uppermost aquifer. *See* 40 C.F.R. § 257.60(a).¹⁹ Failure to meet this requirement mandates closure of the unit. Because this mandatory closure requirement does not allow for the consideration of site-specific considerations, this requirement should be modified to provide the permitting authority with the ability to provide an alternative compliance option other than mandatory unit closure.

B. Federal CERCLA Financial Responsibility Standards

Another rulemaking with potentially severe impacts on our industry in the ORCR within OLEM is the pending rulemaking to establish and impose financial assurance standards pursuant to CERCLA § 108(b) on the electric power generation, transmission and distribution industry.²⁰ EPA’s rulemaking is intended to protect the federal government from having to pay for cleanups caused by an insolvent company. The Agency insisted on moving forward with the regulatory

¹⁷ *See id.* at 21370 (finding that the State of Florida’s criteria for a liner system does not qualify as a “liner” under the federal CCR rule).

¹⁸ This issue also is the subject of litigation brought by USWAG and other industry petitioners challenging aspects of the CCR rule. *See USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

¹⁹ This issue also is part of the CCR litigation. *See USWAG et al. v. EPA*, No. 15-1219 (D.C. Cir.).

²⁰ 82 Fed. Reg. 3512 (Jan. 11, 2017).

process to determine whether to impose these requirements on the electric utility industry (along with the chemical manufacturing and petroleum and coal products manufacturing industries) even though USWAG and others submitted comments on an earlier Advance Notice of Proposed Rulemaking (“ANPRM”) indicating that utilities pose little to no risk of defaulting on their financial responsibilities due to the nature of their business.

Electric utilities are stable companies, have strong balance sheets, an extremely low rate of insolvency and have not historically shifted cleanup costs to federal or state programs. The utility industry does not have a history of failing to cover remediation costs, health assessments and natural resource damages. As such, the risk that the federal government would need to cover costs associated with the release of hazardous substances at utilities facilities is extremely low.

The imposition of financial assurance requirements on electric utilities would force utilities to spend unnecessary funds, impeding job creation, limiting growth and increasing costs to customers. Additionally, the costs of these regulations will far exceed their benefits; utilities will in all likelihood be forced to pay significant funds for financial responsibility instruments which will far exceed any nominal benefit that this extra protection will provide. EPA should determine that a rulemaking establishing CERCLA financial assurance obligations for the electric utility industry is unnecessary and indicate that it will not impose these requirements on the electric utility industry.

C. Revisions to RCRA Hazardous Waste Generator Requirements

A final rule that imposed numerous stringent changes to a federal regulatory program of broad applicability without commensurate improvements in environmental safety is the hazardous waste generator improvements final rule that also originated in OLEM’s ORCR.²¹ One of the most problematic aspects of the final rule is that in the preamble of the rule EPA “clarified” that states were not permitted to provide relief for the consolidation of hazardous wastes from remote or unstaffed sites. EPA provided a limited form of relief for this type of consolidation in the final rule and maintained that state programs that had provided other types of commonsense relief for the same concerns were not permitted under the hazardous waste regulations.²² Specific states have already provided relief allowing the consolidation of unknown wastes by postponing hazardous waste determinations until waste is received at a staffed facility or authorizing the direct transfer of hazardous waste to central locations. A similar problem exists in the preamble discussion of episodic waste generation where EPA suggests that the relief the rule offers is the only relief available for episodic generation events. The discussion ignores the fact that some states have used their enforcement discretion to not penalize those facilities that are out of compliance due to abnormal hazardous waste generation patterns. In both these instances state programs have provided a functional, pragmatic approach that is as environmentally protective as any other regulatory option. EPA’s failure to

²¹ 81 Fed. Reg. 85732 (Nov. 28, 2016).

²² *Id.* at 85776.

acknowledge these alternative approaches necessarily undermines RCRA-delegated states and their role as the primary regulator for facilities located within their jurisdictions.

While the statements made in the final rule relating to the consolidation of hazardous waste and the limited relief offered for episodic waste generation, the final rule also contains dozens of other revisions that make a mature regulatory program more stringent without providing environmental benefit. These revisions including imposing (i) onerous re-notification requirements, (ii) drastically increasing the penalties associated with generator compliance, and (iii) expanding and unnecessarily making the preparedness, prevention and emergency response procedures that apply to small and large quantity generators more stringent. EPA should withdraw interpretations in the final rule that eliminate state discretion and should withdraw those components of the rule that make the already functional RCRA program more stringent.

Another issue not included in the recent hazardous waste generator improvements final rule but that directly impacts hazardous waste generators is the unduly limited nature of the trivalent chromium exemption. This is the exemption at 40 C.F.R. § 261.4(b)(6)(i) for potentially hazardous wastes that meet the toxicity characteristic for chromium. The exemption allows specific wastes that contain chromium that is exclusively (or nearly exclusively) trivalent chromium (and meet other specific conditions) to be exempt from hazardous waste regulation. Unfortunately, this exemption is limited to only a few specific waste streams and generators of other wastes including utility boiler chemical cleaning wastes are required to submit a petition to their RCRA regulator in order to obtain the same relief for the same type of chromium. EPA should expand the trivalent chromium exclusion to cover all waste streams that meet the conditions of the exemption.

D. Federal Standards for the Aboveground Storage of Hazardous Substances

Another pending rulemaking originating in EPA's OLEM but within its OEM is the development of regulations to cover the aboveground storage of hazardous substances. While the Agency has provided very few details about how it will proceed with this rulemaking, we are concerned that the developed regulations will be largely redundant and/or inconsistent with the many varieties of state regulatory programs that already effectively protect releases and discharges from the same types of facilities and substances that the federal program will eventually cover. We are also concerned that the upcoming federal regulations will be unnecessarily proscriptive and not allow for performance-based controls that facility owners/operators will be able to tailor to the unique characteristics of their facilities. Duplicative, inconsistent or proscriptive regulations could inhibit job creation, be unnecessary, or have costs that exceed their expected benefits for facilities subject to these pending federal rules.

E. Federal PCB Regulations

Over the course of the past four decades, USWAG has engaged with EPA on the development, implementation, and enforcement of the federal regulations applicable to the use

and disposal of polychlorinated biphenyls (“PCBs”). This work has included commenting over the years on EPA requests for public input in connection with the Agency’s periodic retrospective review of rules that may be “outmoded, ineffective, insufficient, or excessively burdensome.”²³ In response to such a request in 2015, USWAG submitted written comments identifying several provisions that continue to impose unnecessary administrative and financial burdens on the regulated community far in excess of any environmental benefit. USWAG incorporates those 2015 comments (attached hereto as “Attachment A”) by reference herein, and addresses certain of these issues in greater detail below.

Note that all of the PCB-focused regulatory provisions discussed below involve the disposal of PCBs, falling under the purview of ORCR and therefore requiring consideration by OLEM. In some cases as noted below, these issues also relate to the use of PCBs, overseen by OPPT, and therefore warrant consideration by OCSPP and/or coordination between OLEM and OCSPP.

1. Disposal of PCB Remediation Wastes: EPA has found that PCB remediation wastes found at concentrations of < 50 ppm PCB can be disposed of in non-TSCA landfills, including MSWLFs, without presenting an unreasonable risk of injury to health or the environment. The federal PCB disposal regulations, when considered as a whole, implicitly acknowledge and allow for this.²⁴ However, over the years the Agency has developed policy that restricts the option to dispose of as-found < 50 ppm PCB remediation waste in a non-TSCA landfill—an option that is not only cost effective but which the Agency has found to present no unreasonable risk²⁵—to as-found < 50 ppm PCB remediation wastes generated under a particular PCB cleanup option (the “self-implementing clean-up option,” 40 C.F.R. § 761.61(a)). That flawed policy illogically requires *identical* < 50 ppm PCB remediation wastes to be disposed of in TSCA landfills, at far greater expense and frequently involving long-distance transport of the PCB remediation wastes, if those wastes are generated under other cleanup options. This disparity in the treatment of different categories of < 50 ppm PCB remediation wastes has no basis in TSCA or the PCB regulations, nor from an environmental or health risk perspective. Nonetheless, compliance with this policy imposes significant and wholly unnecessary costs on the regulated community and can complicate and extend cleanup efforts.

In light of conflicting EPA policy and in order to provide USWAG members some level of regulatory certainty, and at EPA’s suggestion, USWAG applied in 2012 for a risk-based disposal approval expressly authorizing the disposal of certain non-liquid

²³ 80 Fed. Reg. 12372 (Mar. 9, 2015); Docket ID No. EPA-HQ-OA-2011-0156.

²⁴ See 40 C.F.R. § 761.50(b)(3) (“PCB remediation waste ... is regulated for cleanup and disposal in accordance with § 761.61”); § 761.61 (“Any person cleaning up and disposing of PCBs under this section shall do so based on the concentration at which PCBs are found”).

²⁵ See 68 Fed. Reg. 4934, 4937 (Jan. 31, 2003) (acknowledging that < 50 ppm PCB remediation waste “has little inherent potential to pose an unreasonable risk to health or the environment”).

PCB remediation wastes found at concentrations below 50 ppm in MSWLFs and other non-TSCA facilities. The final approval document,²⁶ issued to USWAG members in June 2014 pursuant to 40 C.F.R. § 761.61(c), is based on EPA's finding that such disposal presents no unreasonable risk to health or the environment. EPA has issued a similar risk-based disposal approval expressly authorizing the disposal of certain as-found < 50 ppm PCB remediation waste to members of the National Rural Electric Cooperative Association ("NRECA").²⁷ While these approvals have provided members of USWAG and NRECA with some level of comfort in the absence of clarified Agency policy or regulations, the approvals are limited in scope and, in many cases, the problematic policy EPA has articulated in the past still imposes disparate disposal standards on different categories of waste that are identical in terms of PCB content and from a risk perspective.

EPA should therefore clarify the PCB disposal regulations at 40 C.F.R. §§ 761.50 to expressly allow for the disposal of all PCB remediation wastes with as-found concentrations of < 50 ppm PCB in non-TSCA landfills. This clarification should make clear that this non-TSCA disposal option applies equally to PCB remediation wastes generated under the PCB Spill Cleanup Policy as well as PCB remediation wastes generated under the PCB spill cleanup options at 40 C.F.R. § 761.61. This modification would also require the revision of EPA's PCB Question and Answer manual to revise or remove responses that are based on flawed policy regarding the disposal of as-found < 50 ppm PCB remediation waste.²⁸

2. Analysis of PCB Remediation Wastes: EPA's PCB disposal regulations specify particular analytical methods that must be employed when extracting samples of PCB wastes for purposes of determining appropriate disposal options and cleanup verification. In particular, the regulations specify the use of a traditional soxhlet extraction procedure (Method 3540) rather than the equally effective, significantly faster and much more cost-effective automated soxhlet extraction method (Method 3541). EPA's own labs acknowledge the advantages of Method 3541, and Method 3541 is routinely used by EPA in other contexts including Superfund cleanups. There is no scientific, environmental, or risk-based rationale for not allowing the regulated community to use the automated soxhlet extraction method to analyze PCB content under the federal PCB program. Accordingly, EPA should modify the PCB analytical rules throughout 40 C.F.R. Part 761 and including 40 C.F.R. §§ 761.61(a)(5)(B)(iv), 761.253, 761.272, 761.292, 761.358 and 761.395 to expressly authorize the use of the most recent EPA-approved extraction method available for the chemical extraction of PCBs from individual and composite samples (currently Method 3541).

²⁶ Available online at <https://www.epa.gov/pcbs/nationwide-risk-based-pcb-remediation-waste-disposal-approvals-under-title-40-code-federal> (current as of May 8, 2017).

²⁷ *Id.*

²⁸ See EPA PCB Question and Answer Manual (June 2014) at 48.

3. Satellite Accumulation of PCBs: There is a need to amend EPA's PCB regulations to accommodate the on-site accumulation of small amounts of PCB wastes to facilitate the cost-effective management and off-site disposal of these materials. EPA provides this waste management option under the federal hazardous waste program (referred to as "satellite accumulation"), but the Agency has never promulgated a similar common sense accumulation provision under the federal PCB program. The absence of this regulatory option imposes unnecessary costs and operating challenges for the accumulation of small amounts of PCB waste. Therefore, EPA should amend 40 C.F.R. § 761.65 to include a "satellite accumulation" provision patterned after the provision in RCRA's hazardous waste rules that allows for streamlined management of small amounts of PCBs stored for disposal.
4. Amendments to PCB Regulations Applicable to Natural Gas Pipelines (for consideration by OLEM (ORCR) and OCSPP (OPPT)): EPA's PCB rules regulate the presence of PCBs in natural gas pipeline systems, including requiring owners/operators to identify any "potential source" of PCBs in the system.²⁹ The term "source" of PCBs has long been erroneously and unnecessarily applied to certain types of natural gas equipment. The regulations also impose conditions for characterizing and then controlling the "abandonment" of pipeline systems at the end of their useful lives.³⁰ These use and abandonment requirements can be extremely burdensome and impractical. Moreover, they are unnecessary when the owner/operator of the pipeline system can otherwise demonstrate that the pipeline system does not contain PCBs. Currently, however, there is no clear method within the regulations for owners/operators to make such a demonstration and bypass the unwarranted use and abandonment requirements.

EPA should therefore modify the regulations for PCBs in natural gas pipeline systems at 40 C.F.R. §§ 761.30(i) & 761.60(b)(5) to establish a method for owners/operators to demonstrate that the pipeline system does not contain PCBs at regulated levels and to thereafter be excluded from the use and abandonment/disposal requirements for PCBs in natural gas pipelines. In addition, EPA should clarify and limit the scope of the term "potential sources" at 40 C.F.R. § 761.30(i) to eliminate the unnecessary evaluation of components of pipeline systems that do not serve as potential sources of PCBs into the system. Note that, because these issues arise under both the PCB use regulations (administered by OCSPP's OPPT) and the PCB disposal regulations (administered by OLEM's ORCR), these issues require coordination between OLEM and OCSPP.

5. Allow PCB Bulk Product Waste or PCB Bulk Remediation Waste for Storage up to 180 days in a Container: To facilitate the remediation of PCB-contaminated sites, EPA's current PCB regulations at 40 C.F.R. § 761.65(c)(9) allow for the on-site

²⁹ See 40 C.F.R. § 761.30(i)(1)(iii)(A).

³⁰ See *id.* at § 761.60(b)(5).

storage of PCB bulk remediation wastes or PCB bulk product wastes for up to 180 days if the waste is managed in piles meeting specified performance standards. However, a significant shortcoming in this regulation is that the management option is limited exclusively to the storage of PCB wastes in a “pile,” and does not include any other type of unit. As a practical matter, facilities can more readily manage PCB bulk remediation wastes or PCB bulk product wastes (such as dirt and debris, coal tar wrap, or components of pipe removed during natural gas pipeline construction activities) in roll-offs and other similar containers. Management of PCB bulk remediation wastes or PCB bulk product wastes in these types of containers is common in the utility industry and, in fact, allows for more secure management with far less potential for releases to the environment. The Agency’s unfortunate interpretation of the 180-day storage provision, restricting the availability of this regulatory option to wastes managed in a pile, significantly undermines the utility of this provision and has no basis from a risk perspective. While USWAG members have succeeded in securing individual risk-based storage approvals to store PCB remediation wastes such as contaminated pipe in roll-offs for 180 days, such approval is applied for and granted on a case-by-case and/or company-by-company basis—representing a waste of both company and administrative resources. EPA should correct this deficiency in the rule by amending 40 C.F.R. § 761.65(c)(9) to include the storage of PCB bulk remediation wastes and PCB bulk product wastes in “PCB Containers,” as that term is defined in 40 C.F.R. § 761.3.

In addition, there are circumstances where the most practical and environmentally sound option for managing bulk PCB remediation wastes or PCB bulk product wastes generated in the field is to bring the materials back to a company-owned site (that is, not the site of generation) for storage prior to off-site disposal in a qualified TSCA disposal facility. The current regulations (at § 761.65(c)(1)) allow for temporary storage of such materials for only thirty days. This is often insufficient time to allow for the cost-effective storage of PCB bulk remediation wastes or PCB bulk product wastes prior to off-site disposal. This is true, for example, in cases where utilities conduct pipeline related-operations where coal tar wrap or segments of pipe are removed. In fact, EPA Region 2 has recognized the appropriateness of extended storage of these materials, leading it to issue a risk-based disposal approval under 40 C.F.R. § 761.62(c) allowing a USWAG member to store coal tar wrap at a service center for up to 180 days. The approval reflects EPA’s conclusion that, provided certain conditions are met, such storage will not pose an unreasonable risk of injury to health or the environment. Because the storage of PCB bulk remediation wastes and PCB bulk product wastes at a site other than the point of generation for greater lengths of time (*i.e.*, up to 180 days) will not present an unreasonable risk of injury to health or the environment, USWAG recommends that EPA amend its storage for disposal regulations at 40 C.F.R. § 761.65 to expressly authorize such storage.

II. OAR Regulations Warranting Repeal, Replacement or Modification

A final rule developed several years ago warranting immediate modification and/or clarification is EPA's final rule establishing operational and emission controls for units identified as commercial and industrial solid waste incineration ("CISWI") units.³¹ The rule establishes standards for CISWI units which are identified by statute as those units that "combust[] any solid waste."³² USWAG has long maintained that several types of materials have been historically introduced into utility boilers, including boiler cleaning waste and refined coal, as a practical way to manage material without increasing emissions and to reduce the emissions of certain contaminants, respectively. Due to the nature of this material, boiler cleaning waste and refined coal are not being combusted as EPA has defined combustion in other contexts³³ and therefore should not trigger CISWI regulation. USWAG sought confirmation on this point through the CISWI rulemaking, and EPA responded to this comment by requesting that we submit this issue directly to the Agency outside the scope of the rulemaking.³⁴ Accordingly, USWAG submitted a request for an interpretation on these materials on November 4, 2013. EPA has not yet provided a response to this request.

The evaporation of boiler cleaning waste in utility boilers is a practical, cost-effective method for managing materials that are mostly or entirely water-based. Requiring shipments of what can be over a million gallons of this material increases transportation costs and emissions as well as costs associated with more expensive and inefficient downstream management. These inefficiencies inhibit growth for our industry and imposes costs far exceeding benefits. The use of refined coal whereby inorganic materials are added to coal to reduce the resulting air emissions of burning coal provides tremendous benefit given the significant reduction in air emissions from this operation. EPA's failure to provide guidance exempting these practices from CISWI regulation is particularly egregious given that Congress, recognizing the need to provide policy support for the use of refined coal, provides a tax credit for these operations.³⁵ The Agency should respond to our nearly three-and-a-half-year-old request for an interpretation by clarifying that boiler cleaning waste and refined coal do not trigger CISWI regulation when introduced into utility boilers.

* * * * *

³¹ 78 Fed. Reg. 9112 (Feb. 7, 2013).

³² 42 U.S.C. § 7429(g)(1).

³³ See Keith Barnett, EPA Environmental Engineer, Combustion in A Cement Kiln and Cement Kilns' Use of Tires as Fuel, EPA-HQ-OAR-2002-0051-3582 (April 25, 2011).

³⁴ See Summary of Public Comments and Responses for Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments; Non-Hazardous Secondary Materials That Are Solid Waste, EPA-HQ-OAR-2003-0119-2686, at 320-321.

³⁵ 26 U.S.C. §§ 45(c)(7)&(e)(8).

Samantha Dravis
US EPA
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USWAG appreciates the opportunity to submit comments on the implementation of EO 13777. If you have questions regarding the above comments, please contact me or USWAG counsel Douglas Green (202-344-4483) at Venable LLP.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Roewer", with a large, stylized initial "J" and a long horizontal flourish extending to the right.

James Roewer
Executive Director
Utility Solid Waste Activities Group

Samantha Dravis
US EPA

Attachment A



c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

April 8, 2015

VIA ELECTRONIC DELIVERY AT WWW.REGULATIONS.GOV

Office of Policy
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
Attn: Docket ID No. EPA-HQ-OA-2011-0156

Re: Comments on Improving EPA Regulations;
Docket ID No. EPA-HQ-ORD-2011-0391;
80 Fed. Reg. 12372 (March 9, 2015)

To whom it may concern:

The Utility Solid Waste Activities Group ("USWAG") submits these comments to the Environmental Protection Agency ("EPA" or the "Agency") in response to EPA's request for public input on the Agency's periodic retrospective review of its regulations. 80 Fed. Reg. 12372 (Mar. 9, 2015). USWAG appreciates EPA's effort to undertake a retrospective analysis of rules that may be "outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with what has been learned," in keeping with Executive Orders 13563 and 13610. *Id.* These comments identify certain regulations that EPA has established for polychlorinated biphenyls ("PCBs") under 40 C.F.R. Part 761 that warrant review as part of this effort.

USWAG, formed in 1978, is a consortium of approximately 130 electric utilities, power producers, utility operating companies, and utility service companies located throughout the country, including the Edison Electric Institute ("EEI"), the American Gas Association ("AGA"), the American Public Power Association ("APPA"), and the National Rural Electric Cooperative Association ("NRECA").¹ Together, USWAG members represent more than 73% of the total

¹ EEI is the principal national association of investor-owned electric power and light companies. AGA is the principal national association of investor-owned natural gas utilities. APPA is the national association of publicly-owned electric utilities. NRECA is the national association of rural electric cooperatives. Throughout these comments, we refer to our industry as the "utility" or "electric utility" industry. This term is intended to include those portions of the industry and those USWAG members that generate electricity but do not directly provide electricity to the public and are technically not "utilities."

electric generating capacity of the United States, and service more than 95% of the nation's consumers of electricity and 92% of the nation's consumers of natural gas.

For the past three and a half decades, USWAG has worked with EPA on the development and implementation of the federal PCB regulations applicable to electric and gas company operations. USWAG has raised each of the issues discussed below with EPA on prior occasions and in other contexts; we appreciate the opportunity to comment on these regulations once more in the context of EPA's efforts to review and improve its existing regulations in order to address regulations that may be outdated, inefficient, duplicative, or overly burdensome.

These comments address the following PCB regulatory issues:

- Need for inclusion in regulatory text of all PCB extraction methods approved for use in EPA Method 8082 in connection with PCB gas chromatography analysis;
- PCB waste storage issues arising under § 761.65;
- Need for a regulatory avenue for the deregistration of PCB Transformers from the PCB Transformer Registration Database under § 761.30;
- Batch testing authorizations under § 761.60(g); and
- Need for regulatory relief options for PCB cleanups during and following natural disasters.

These issues are discussed in detail below.

* * * * *

1. Inclusion of EPA SW-846 Method 8082-Approved PCB Extraction Methods in PCB Regulations

EPA's PCB regulations in several places require the use of specific PCB extraction methods for chemical analysis, including EPA Method 3500B/3540C, "or methods validated under subpart Q" of the PCB regulations. See, e.g., 40 C.F.R. § 761.61(a)(5)(i)(B)(iv); 40 C.F.R. § 761.253(a); 40 C.F.R. § 761.272; 40 C.F.R. § 761.292; 40 C.F.R. § 761.358; and 40 C.F.R. § 761.395(b)(1). As currently written, validation of any non-enumerated extraction method – including methods that EPA has approved for PCB extraction in other contexts – under subpart Q requires a comparison study be conducted as prescribed in 40 C.F.R. § 761.326. This time-consuming (requiring 60-day notice to EPA; see 40 C.F.R. § 761.320, 40 C.F.R. § 761.81(i)(1)) and potentially resource-intensive effort is wholly unnecessary for those methods that EPA has already approved for use in other PCB extraction contexts (e.g., Method 3541, automated Soxhlet extraction method).

Each of the regulatory provisions cited above references EPA Method 8082, "Polychlorinated Biphenyls (PCBs) by Capillary Column Gas Chromatography" of SW-846 ("Method 8082"), as a method for gas chromatography ("GC") analysis of PCBs.² Method 8082, in turn, provides at section 2.1.2 that "[s]olid samples may be extracted with hexane-acetone (1:1) or methylene chloride-acetone (1:1) using Method 3540 (Soxhlet), Method 3541 (automated Soxhlet), Method 3545 (pressurized fluid extraction, Method 3546 (microwave extraction), Method 3550 (ultrasonic extraction), Method 3562 (supercritical fluid extraction), or other appropriate technique or solvents." Therefore, EPA regulations requiring the use of GC for PCB analysis *already allow* for the use of the methods enumerated in Method 8082 (though not expressly called out in the text of the regulations themselves) in connection with these chemical analyses.

However, as currently written, the regulatory text addressing chemical extraction methods suggests that any extraction methods other than Method 3500B/3540C may only be used after a subpart Q comparison study has been conducted. The result is the waste of time and resources, both on the part of the party undertaking the comparison study and the Agency in reviewing the petition required under subpart Q. This is especially true given that EPA has already evaluated and approved the methods enumerated in Method 8082 as appropriate for PCB extraction in connection with PCB GC analysis.

EPA should therefore amend the existing regulatory text to expressly include among available extraction methods "any extraction method allowed under Method 8082 from SW-846, as that method may be revised." This approach will not only provide clarity under the existing regulatory structure but will also allow for adaptability as other methods may be added to Method 8082 going forward.

In the alternative and at a minimum, if EPA is for some reason unwilling to make this change, EPA should modify each reference to chemical extraction cited above to expressly allow for the use of Method 3541, automated Soxhlet extraction, in connection with GC analysis for purposes of disposal. EPA has acknowledged the comparable effectiveness and increased speed of this method relative to other analytical methods, stating in the summary document for Method 3541 that "[t]he method uses a commercially available, unique, three stage extraction system to achieve analyte recovery comparable to Method 3540, but in a much shorter time," and that "[i]t has been statistically evaluated at 5 and 50 µg/g of Arochlors 1254 and 1260, and found to be equivalent to Method 3540 (Soxhlet Extraction)." EPA, "Method 3541: Automated Soxhlet Extraction,"

² Note that the most current version of Method 8082 is Method 8082A (Feb. 2007); references in these comments to Method 8082 include Method 8082A and any subsequent revisions of this method.

summary document at Section 1.1.³ In another context – approving a petition by the Oak Ridge National Laboratory requesting the use of the SOXTEC extraction system (Method 3541) in place of the conventional Method 3540 for the preparation of PCB samples – EPA stated that “these preparative techniques [Method 3541 and Method 3540] are equivalent, within allowable standard deviation limits,” adding that Method 3541 “actually proved to be the superior technique when time constraints were considered, taking only 2 hours for sample preparation vs. 17 hours for [Method 3540].” See EPA Letter from D. Friedman, Chief, OSW-Methods Sections, to U.S. EPA Region IV, RCRA Online No. 13187 (May 31, 1988).

If EPA is unwilling to amend all of the regulatory references to PCB extraction methods to include Method 8082-approved methods, the Agency should at a minimum expressly allow the use of Method 3541 (or the most current version of that method) as an available alternative to Methods 3500B/M3540C.

2. PCB Waste Storage Issues (40 C.F.R. § 761.65)

A. Satellite Accumulation

EPA should develop a satellite accumulation provision for PCB wastes under 40 C.F.R. § 761.65 to allow for extended on-site storage of small volumes of PCB wastes, provided certain volume limitations (e.g., a 55-gallon drum) and storage and marking conditions are met. This would prevent the impractical, costly, and inefficient scenario created by the current rules, which require transport off-site of small volumes of PCB wastes (e.g., only two or three articles in a drum) simply because of the short storage for disposal time limits. Further, this approach to efficient waste accumulation has precedent in EPA's existing hazardous waste regulations.

Specifically, a PCB satellite accumulation rule could be patterned after the satellite accumulation provision in EPA's Resource Conservation and Recovery Act (“RCRA”) regulations. This RCRA provision allows a generator of hazardous waste to accumulate 55 gallons of hazardous waste at or near the point of generation where such wastes initially accumulate and where such activity is under the control of the generator. See 40 C.F.R. § 262.34(c)(1). Further, the RCRA provision requires that the storage containers be (1) in good condition and not leaking; (2) made of or lined with a material that is compatible with the waste so that the ability of the container to hold the waste is not impaired; (3) kept closed, except when it is necessary to add additional wastes to the container; and (4) marked with the words “hazardous waste” (in the PCB context, the container could be marked with the ML label or the words “PCB Waste”). See *id.* A PCB

³ Available online at <http://www.epa.gov/sam/pdfs/EPA-3541.pdf>.

satellite accumulation rule modeled after RCRA's satellite accumulation rule would allow for far more efficient management of PCB waste while remaining protective of human health and the environment.

B. Storage of PCB Bulk Product and Bulk Remediation Wastes

Under the current regulations, qualified PCB wastes may be stored at the clean-up site or site of generation in a pile for up to 180 days, provided the waste meets certain conditions, including wind dispersion controls and liner requirements to prevent runoff and migration from the waste. 40 C.F.R. § 761.65(c)(9). On its face, the regulatory text refers to a "pile" and, as a result, EPA guidance suggests that the management of qualifying PCB wastes in a roll-off or any other type of container is automatically precluded from qualifying for this management option. This has been the case even where such units meet or exceed the performance-based standards referenced above. See EPA 2014 PCB Q and A Manual at 114-15. There is no risk-based justification for a blanket prohibition on PCB wastes stored in roll-offs or other types of containers qualifying for this management option, provided of course that the regulation's performance-based standards are met.

Therefore, USWAG recommends that EPA clarify in the regulatory text or in interpretive guidance that the rule is intended to encompass roll-offs, containers, and similar devices meeting the performance standards set forth in 40 C.F.R. § 761.65(c)(9). Alternatively, USWAG recommends that EPA amend the regulatory text to specifically reference such units.

In addition, USWAG urges EPA to extend the 180-day accumulation provision to scenarios where isolated pieces of electrical equipment from off-site, intra-company sources are consolidated at a central collection facility meeting the performance standards in 40 C.F.R. § 761.65(c)(9). EPA should also amend the regulations to allow for 180-day storage in drums and roll-offs of PCB bulk product and remediation wastes generated off-site by intra-company sources. This would allow for the efficient consolidation of isolated PCB-containing electrical equipment in the field while further promoting PCB reduction efforts.

C. Storage of Non-Liquid PCB Wastes

The secondary containment and berm requirements set forth at 40 C.F.R. § 761.65(b)(1) for the storage of PCB wastes are presumably designed to prevent the release of PCB *liquid* wastes from storage areas. However, non-liquid PCB wastes, such as bulk PCB remediation wastes and PCB bulk product wastes, do not present the same run-off concerns as PCB liquid wastes and therefore do not necessitate the secondary containment controls built into the current regulations. EPA should amend 40 C.F.R. § 761.65(b)(1) to expressly provide that the

secondary containment and berm requirements do not apply to non-liquid PCB wastes. This would facilitate establishment of more cost-efficient storage areas that would, in turn, encourage non-liquid PCB waste cleanup and remediation.

D. Clarification of Thirty-Day Temporary Storage Provision for PCB Wastes

The existing regulatory provision regarding 30-day temporary storage for PCB wastes (40 C.F.R. § 761.65(c)(1)) is in need of clarification to make plain that the provision's requirement to prepare an SPCC plan for containers holding liquid PCBs at ≥ 50 ppm applies *only* if such a plan would otherwise be required under the applicable SPCC regulations (e.g., the SPCC threshold volumes are exceeded and releases from the facility could reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines). In the context of other storage for disposal practices, EPA has used explicit language to indicate that the preparation and implementation of an SPCC plan is required. See 40 C.F.R. § 761.65(c)(7)(ii). In contrast, the regulatory language in 40 C.F.R. § 761.65(c)(1) directs that an owner/operator of a temporary 30-day storage unit shall prepare an SPCC plan "in accordance" with the SPCC regulations, meaning that the requirements attach *only* when the threshold and location criteria triggering an SPCC plan have been met.

Unfortunately, the regulatory language referenced above ("in accordance with") has created persistent confusion on this issue. Clarification is necessary to increase regulatory certainty and to relieve the regulated community of the inordinate resource burden associated with designing an SPCC program for 30-day temporary storage locations in circumstances that simply do not warrant these types of controls. There is no risk-based or practical reason to apply SPCC protections to the storage of small volumes of PCB wastes that pose no risk to navigable waters of the United States and that would not otherwise trigger the SPCC controls – and so there is no risk-based or practical reason to withhold clarification of the regulatory language that has created regulatory uncertainty. Even if, for some reason, EPA does construe this regulatory language as mandating the creation of an SPCC plan for the 30-day temporary storage of PCB liquids when an SPCC plan would not otherwise be required, then EPA should amend the regulations to explicitly state that such plans are *only* required when the SPCC threshold volume and location criteria are met.

3. Creation of Regulatory Avenue for Deregistration of PCB Transformers from PCB Transformer Registration Database (40 C.F.R. § 761.30)

USWAG has been working with EPA for several years to improve both the accuracy and the clarity of the Agency's PCB Transformer Registration Database. While EPA has undertaken efforts to correct inaccurate records in the Database,

the lack of a regulatory avenue for *deregistration* of PCB Transformers results in unnecessary administrative burden as well as a misleading Database.

To resolve this confusion, we suggest that EPA establish a procedure under 40 C.F.R. § 761.30(a)(1)(vi) to ensure removal from the PCB Transformer Database, at the owner's request, of PCB Transformers removed from service for disposal or reclassified to non-PCB Transformer status. This regulatory avenue for deregistration should be optional, at the election of the PCB Transformer owner, but should require EPA to remove from the PCB Transformer Database all PCB Transformers for which a deregistration request is properly made. This will reduce confusion regarding the current universe of PCB Transformers and make the PCB Transformer Database a more useful tool for regulators, legislators, local response agencies, and the public.

4. Modification of Batch Testing Authorization (40 C.F.R. § 761.60(g))

Also in need of amendment are the batch testing rules set forth at 40 C.F.R. § 761.60(g). These rules require updating to reflect the assumptions incorporated in 40 C.F.R. 40 C.F.R. § 761.2 in the 1998 disposal amendments. Specifically, 40 C.F.R. § 761.60(g) needs to be amended to allow for batch testing of mineral oil from equipment identified in the 1998 disposal amendments as non-PCB (*i.e.*, post-1979 electrical equipment, small transformers, and rectifiers) with mineral oil from equipment that was previously presumed to be non-PCB (*i.e.*, circuit breakers, reclosers, and oil-filled cable).

This change could be accomplished by modifying the last sentence in 40 C.F.R. § 761.60(g)(1)(i) to read, in relevant part: "If dielectric fluid from untested, oil-filled circuit breakers, reclosers, cable, electrical equipment manufactured after July 2, 1979, transformers with less than three pounds of fluid, or rectifiers is collected in a common container with dielectric fluid from other oil-filled electrical equipment, the entire contents of the container ..." This revision would update the batch testing rules so that they conform with the 1998 disposal amendments, and would serve to eliminate unnecessary confusion.

5. Provision for PCB Regulatory Relief During Natural Disasters

Ten years ago, in the wake of the devastation wrought by Hurricane Katrina, USWAG worked with EPA to identify ways to provide regulatory relief for PCB cleanups in other circumstances involving natural disasters. In response, EPA issued enforcement discretion guidance (Attachment A) that outlined risk-based relief in the form of cleanup and disposal standards for damaged electrical equipment and related spills resulting from either Hurricane Katrina or Hurricane Rita. This guidance was critical because, as EPA correctly recognized, the traditional method for obtaining such relief – namely, through a risk-based

variance request under 40 C.F.R. § 761.61(c) – would not be practical from a timing or administrative resources perspective in times of natural disasters, where immediate action is required.

While this relief proved helpful to USWAG members responding to those particular hurricanes, it was limited in scope and duration, expiring at the end of 2005 and applying only to events caused by those storms. More recent disasters such as severe snow, ice, and wind storms throughout the country, hurricanes in the Gulf region, and wildfires on the west coast have made clear that the type of emergency situation necessitating prompt and straightforward regulatory relief for facilities attempting post-storm cleanups is bound to recur year after year. As requested in 2008 (Attachment B) and reiterated in comments to this docket in 2011, USWAG urges EPA to develop guidance similar to the temporary relief issued in 2005, but broader in scope and available for use during and immediately after any natural disaster meeting specified conditions, without prior notice to or approval from EPA. This would remove significant barriers to the timely and cost-effective restoration of power following severe natural weather events.

* * * * *

USWAG appreciates the opportunity to provide input as EPA pursues this important effort. Please contact USWAG counsel Allison Foley (202-344-4416) or Douglas Green (202-344-4483) at Venable LLP with questions regarding these comments.

Respectfully submitted,



James R. Roewer
Executive Director

Attachment A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 09 2005

4APT-TS

Mary E. Davis
American Electric Power
501 N. Allen Avenue
Shreveport, LA 71101

Dear Ms. Davis:

The enclosed guidance addresses cleanup of polychlorinated biphenyls (PCBs) spills from electrical equipment damaged by Hurricanes Katrina and Rita, and management of the damaged equipment. This guidance was developed based on input from your organization as well as from others who are engaged in cleanup and recovery efforts in the wake of the hurricanes.

We hope that you find this guidance useful. EPA recognizes the challenges faced by those engaged in hurricane-related cleanup and recovery efforts. We believe that this guidance addresses the needs of those dealing with damaged electrical equipment that may contain PCBs, and spills from such equipment. Based on the information we currently have, we do not believe that additional regulatory flexibility or emergency relief is needed.

Please feel free to share this guidance with utilities throughout the hurricane impacted areas. The guidance will remain in effect through the remainder of this calendar year.

Should you or any of your utility industry colleagues have questions about the enclosed guidance, please contact your Regional PCB coordinator. Contact information for the Regional PCB coordinators may be found at www.epa.gov/pcb.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jesse Baskerville".

Jesse Baskerville
Acting Director
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Lou Roberts, EPA Region 6
Maria Doa, OPPT

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Guidance for Addressing Spills from Electrical Equipment

EPA's is providing the following guidance for addressing spills from electrical equipment damaged by Hurricane Katrina or Hurricane Rita. Areas of primary federal concern include the proper disposal of electrical equipment containing PCBs (i.e., distribution transformers and capacitors). EPA recognizes that individuals, contractors or others involved in removing electrical equipment or utilities restoring electrical service in areas damaged by Hurricane Katrina or Hurricane Rita face difficult circumstances that may impede full compliance. However, in any event, you should take the actions set forth below to the extent feasible.

Efforts to restore the damaged areas to their pre-disaster condition often involve removing or repairing damaged electrical equipment. There may be a natural tendency at this stage to overlook certain hazards, such as those associated with PCBs, that are not immediately life threatening. However, such hazards are serious and may manifest themselves many years from the time of exposure and should be taken into consideration. Given the health hazards associated with PCBs, adequate measures should be taken during emergency situations to minimize exposure.

This guidance remains in effect through December 31, 2005, and applies only to damage and spills resulting from Hurricane Katrina and Hurricane Rita. The guidance in this document supersedes the PCB guidance in EPA's "DEMOLITION GUIDANCE FOR STRUCTURALLY UNSOUND BUILDINGS DAMAGED BY HURRICANE KATRINA."

To the extent feasible, efforts should be made to perform the following steps:

Identifying Downed Electrical Equipment Which May Contain PCBs

Caution! Downed electrical equipment including transformers may still be energized which could cause injury. De-energized capacitors and batteries may still contain a charge.

Downed electrical equipment may contain PCBs

- Generally, transformers that were mounted on utility poles are liquid filled and some may contain PCBs.
- Air cooled or dry type transformers do not contain PCBs.
- In the absence of identifying information, it is best to assume a transformer may contain PCBs. To screen transformers for the presence of PCBs, you can use a field screening test kit. A positive test indicates the potential presence of PCBs. A negative test indicates no presence of PCBs.
- The location of the downed equipment should be identified using e.g., GPS, some kind of visual marker along with a log book with descriptive locations, etc., because this will help you address future clean-up of any spill associated with the downed equipment.

Handling the Electrical Equipment

- If the electrical equipment is intact, it can be stored for reuse, preferably in a clean, dry area.

If the electrical equipment has a small leak that can be controlled so that no additional liquid leaks from the unit, it can be stored for repair and reuse after controlling the leak, preferably in a clean, dry area.

- Intact electrical equipment and equipment that has small leaks that have been controlled can then be shipped without a manifest to a repair facility for evaluation and repair.
- If the electrical equipment has significant leaks, any remaining liquid should be drained into a non-leaking container. If the field screening test kit indicates the liquid contains PCBs, the container should be labeled with the PCB M, as containing PCB liquids, and ultimately sent to a chemical or hazardous waste incinerator for disposal. The drained electrical equipment carcass should be disposed properly.

If containers with drained liquids must be stored temporarily, they should be placed on hard surface areas, such as a concrete or asphalt parking lot for no more than 90 days.

If the leaking electrical equipment cannot be drained, the electrical equipment should be placed in shipping containers, or covered roll-offs with a poly liner or sorbent material to prevent further spread of the spill, intermodal containers with a poly liner or sorbent material to prevent further spread of the spill, or other weather-tight containers.

If these containers must be stored temporarily, they should be placed on hard surface areas, such as a concrete or asphalt parking lot, for no more than 90 days.

- Electrical equipment from parties unable to manage their equipment may be consolidated at electrical utility-owned locations or other temporary storage or staging areas.

Handling the Spill

- Where possible, temporary measures should be implemented to prevent, treat, or contain further releases or mitigate migration to the environment of PCBs.
- Where possible, the location of the spill should be identified to determine if it correlates with downed equipment. Where possible, the boundaries of the spill area should be identified with paint or flags to facilitate future clean-up. Generally, after the equipment has been sent to the repair facility, the presence and concentration of PCBs in the

equipment is determined. This information can be used to address the spill. If the PCB concentration in the equipment was greater than 50 ppm, you should clean-up the spill.

- All soil with visible traces of the spill should be excavated and placed in weather-tight containers, such as a covered and lined roll-off or intermodal container.

If these containers must be stored temporarily, they should be placed on hard surface areas, such as a concrete or an asphalt parking lot for no more than 90 days.

- The excavated material should be disposed in a TSCA or hazardous waste landfill.
- If the spill is the result of an empty or leaking piece of equipment which has not been tested, some testing of the soil may be necessary to identify if PCBs are present. If PCBs are present in the excavated material, the waste should be sent to a TSCA or hazardous waste landfill.

For further information, please contact the EPA Regional PCB Coordinator for your area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 1 2005

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: OECA Concurrence on Guidance for Addressing Spills from Electrical Equipment

FROM: Granta Y. Nakayama *Granta Y. Nakayama*
Assistant Administrator

TO: Susan B. Hazen
Principal Deputy Assistant Administrator
Office of Prevention, Pesticides, and Toxics Substances

Thank you for taking the lead in addressing the evolving environmental issues associated with returning electrical service to areas of the Gulf Coast affected by Hurricane Katrina and Hurricane Rita. We have reviewed your supplemental guidance titled "Guidance for Addressing Spills from Electrical Equipment" and I concur with the issuance of the guidance.

The issuance and use of the guidance is clearly necessary to serve the public interest in this wide-spread emergency and no other mechanism can adequately address the situation within the stipulated timeframe. Therefore, I am also granting a no action assurance from the PCB regulations issued pursuant to Section 6(e) of the Toxic Substances Control Act for persons operating under the terms, conditions and limitations of the guidance. This exercise of enforcement discretion is effective immediately and will continue until midnight on December 31, 2005. Any person conducting operations under the guidance would need to be able to demonstrate the applicability of the guidance to their situation and that their actions are consistent with the terms and conditions of the guidance. Persons operating under this guidance also need to take any necessary actions to protect public health and safety.

If any questions arise concerning this exercise of enforcement discretion, they should be referred to Mr. Gerald Stubbs at (202) 564-4178.

Attachment B

Utility Solid Waste Activities Group
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701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

USWAG

October 27, 2008

VIA ELECTRONIC AND CERTIFIED MAIL

Mr. Matthew Hale
Director, Office of Solid Waste
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Mail Code: 5301P
Washington, DC 20460

RE: PCB Regulatory Relief During Natural Disasters

Dear Mr. Hale:

During your visit with the USWAG PCB Committee in April, we discussed the need for the development of guidance that would provide practical PCB regulatory relief in times of natural disasters. Three years ago, in the wake of the devastation wrought by Hurricane Katrina, USWAG worked with EPA to identify ways to provide similar relief for PCB cleanups in other circumstances involving natural disasters. At the time, we sought relief in the form of risk-based guidance that provided streamlined PCB sampling and storage options that would become effective during a range of natural disasters including, but not limited to, hurricanes, tornadoes, earthquakes, floods, ice storms, and wildfires.

In response, EPA issued enforcement discretion guidance (enclosed) that outlined risk-based relief in the form of cleanup and disposal standards for damaged electrical equipment and related spills resulting from either Hurricane Katrina or Hurricane Rita. This guidance was necessary because EPA appropriately recognized that the traditional method for obtaining such relief – namely, through a risk-based variance request under 40 C.F.R. § 761.61(c) – would not be practical or useful in times of natural disasters where immediate action is required. While this relief proved helpful in our response to those particular hurricanes, it was limited in scope and duration, expiring at the end of 2005, and applying only to events caused by those storms.

As recent storms such as Hurricanes Gustav, Hanna, and Ike have demonstrated, the type of emergency situation, brought on by Katrina and Rita, necessitating regulatory relief for utilities attempting post-storm cleanups, is one that is certain to recur every year. Hurricane Ike alone was responsible for power outages affecting nearly 4 million customers throughout Louisiana, Arkansas, Ohio, Kentucky, and Texas. According to the Department of Energy, nearly one-fourth of both Kentucky and Texas lost power during the storm.¹ Such massive power outages will continue to arise as a result of other natural events as well, as demonstrated by the recent wildfires in California and flooding throughout the Midwest. Given the inevitability and unpredictability of natural disasters and the importance of responding quickly and safely to damage and spills resulting from those disasters, we urge the Office of Solid Waste to issue guidance similar to the temporary relief issued in 2005, but broader in scope and available for use during and immediately after *any* natural disaster meeting specified conditions, without prior notice to or approval from EPA. Enclosed please find the list of conditions we believe would be appropriate for such emergency regulatory relief guidance; this is the same list we submitted to EPA in the Fall of 2005.

USWAG would be pleased to work with EPA in developing this emergency regulatory relief guidance. Issuance of this guidance is crucial, as utilities and municipalities across the country will need this assistance in helping to restore power to millions of customers in an efficient and environmentally sound manner following storms and other natural disasters. Thank you for your attention to this matter. We look forward to speaking with you regarding this important issue.

Sincerely,



James Roewer
Executive Director

Enclosures

cc: David Hockey, Branch Chief
EPA Office of Solid Waste Corrective Actions Programs

¹ See Department of Energy Hurricane Ike Situation Report #3 (Sept. 15, 2008), available online at http://www.oe.netl.doe.gov/docs/2008_SitRep_3_Ike_091508_10AM.pdf.

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: PolicyOffice[PolicyOffice@epa.gov]; Bromberg.Kevin@sba.gov[Bromberg.Kevin@sba.gov]; Sharma, Prianka P.[Prianka.Sharma@sba.gov]; Hesla, Kirsten[Hesla.Kirsten@epa.gov]; Jeffrey S. Longworth - Barnes & Thornburg LLP (jeffrey.longworth@btlaw.com)[jeffrey.longworth@btlaw.com]; Helminski, Tammy[Tammy.Helminski@btlaw.com]; Bill Sickles (bill.sickles@metro.com)[bill.sickles@metro.com]; 'Stephen Schaefer (STSchaef@hoshizaki.com)'[STSchaef@hoshizaki.com]; mfdane@niteliteprod.com[mfdane@niteliteprod.com]
From: Charlie Souhrada
Sent: Mon 10/2/2017 7:06:25 PM
Subject: NAFEM Regulatory Reform Roundtable Meeting – Tues., Oct. 31 - draft
[NAFEM 5 15 15 EPA HQ OA 2017 0190.pdf](#)
[NAFEM Reg Reform comments 7 14 17.pdf](#)

Dear Ms. Dravis:

As the EPA regulatory reform leader, the North American Association of Food Equipment Manufacturers (NAFEM) invites you or someone on your staff to participate in a roundtable meeting to exchange information and discuss ways to maximize effective and efficient burden reduction efforts.

The discussion will focus entirely on DOE and EPA regulatory reform comments (see the discussion points below & comments attached):

- NAFEM Summary of DOE & EPA Regulatory Reform Comments
- Agency Updates re: Regulatory Reform Process & Status
- Discussion Points:
 - Data Collection & Collaboration
 - Product Standard Establishment/Justification
 - Waiver Processes
 - Revision Time Lines
 - CCMS
 - ENERGY STAR/DOE Energy Regulation Compression

As you'll see in the submitted comments, members are very concerned about DOE energy efficiency regulations squeezing ENERGY STAR out of relevance and we want to do all we can to keep the program relevant. Ideally, the group will benefit by hearing

brief remarks, five-ten minutes perhaps, to summarize the status of the ENERGY STAR program and recommendations for moving forward (a PowerPoint presentation would be great, but not expected).

The tentative meeting outline follows:

LOGISTICS & TIMING

Day: Tuesday, Oct. 31

Timing: 1 – 3 p.m. Eastern

Location: Barnes & Thornburg, 1717 Pennsylvania Ave. N.W., Suite 500, Washington, D.C.

MEETING OBJECTIVE

Open conversation between NAFEM members, DOE, EPA, SBA Office of Advocacy and other agency officials, to identify ways to work together relative to regulatory burden reduction.

AUDIENCE

Invited participants include:

- DOE Representative(s)
- EPA Representative(s)
- ENERGY STAR/ICF Representative(s)
- NAFEM member companies
- SBA Office of Advocacy
- Operator Representatives*

RSVP & ADDITIONAL THOUGHTS

RSVP by Wed., Oct. 18: csouhrada@nafem.org; ph: +1.312.821.0212, or let me know if you need additional information.

We look forward to hearing from you.

**Note: This discussion will be commercial foodservice equipment manufacturer-focused, but operator representatives, e.g., Food Marketing Institute (FMI), National Association of Convenience Stores (NACS), National Restaurant Association (NRA), etc., may benefit from listening to the conversation.*

Charlie Souhrada, CFSP, Vice President, Regulatory & Technical Affairs

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**Submitted to Federal eRulemaking Portal – www.regulations.gov
DOCKET ID No. EPA-HQ-OA-2017-0190**

U.S. Environmental Protection Agency
Sarah Rees, Director, Office of Regulatory Policy and Management, Office of
Policy
1200 Pennsylvania Avenue NW.
Mail Code 1803A
Washington, DC 20460

**Re: North American Association of Food Equipment Manufacturers
Comments Regarding the U.S. Environmental Protection
Agency's Evaluation of Existing Regulations (82 Fed. Reg. 17,793;
April 13, 2017) in Accordance With Executive Order 13777
("Enforcing the Regulatory Reform Agenda")**

The North American Association of Food Equipment Manufacturers (NAFEM) submits the following comments to the U.S. Environmental Protection Agency (EPA) in response to its "evaluation of existing regulations" announced in the April 13, 2017 *Federal Register* (82 Fed. Reg. 17,793). EPA's comment request relates to its effort to comply with Executive Order 13,777, "Enforcing the Regulatory Reform Agenda."

NAFEM is a trade association made up of more than 550 foodservice equipment and supplies manufacturers providing products for food preparation, cooking, storage, and table service. These member companies have consistently implemented measures to improve energy efficiency and reduce harmful emissions. To that end, NAFEM provides these comments to EPA for ways EPA can modify its programs so that the regulations are effective and do not have negative, counter-productive results, and not have disproportionate economic impact on small businesses.

1. ENERGY STAR

NAFEM recognizes that there is general, wide support for the ENERGY STAR program, jointly administered by EPA and the Department of Energy (DOE); however, the President's proposed budget and other reports raise questions about EPA's continued management and investment in the ENERGY STAR program. ENERGY STAR was designed to be a market-

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driven mechanism to encourage companies to become more energy efficient than existing energy efficiency regulations require. DOE energy efficiency regulations, now having gone through multiple iterations of standards setting under the EPCA, are reaching the point where any gap between ENERGY STAR and EPCA energy efficiency standards has significantly narrowed. If the purpose of ENERGY STAR was to bridge the gap between regulations and technical capabilities, NAFEM believes that soon there will be no gap to bridge. Thus, ENERGY STAR becomes superfluous or duplicative at best and in conflict or contrary to efficiency regulations at worst.

ENERGY STAR must change to adapt to current circumstances if it is to survive at all. As it stands now, ENERGY STAR largely takes credit for savings that are driven by technology improvements, green initiatives for public support, consumer purchasing decisions, and competitive pressure between manufacturers - and the savings EPA takes credit for would have occurred anyway. The unit shipment data that entities are required to submit every March represents a huge burden to small and medium sized companies with no offsetting benefit to anyone. Moreover, the cost of using only third-party certifying bodies is especially burdensome to smaller companies that must divide those fixed costs per unit by a small sales volume. Finally, NAFEM believes that ENERGY STAR's qualification levels and test procedures must be reevaluated and modified. NAFEM members' experience raises questions about the oversight and guidance regarding processes and procedures and need for additional clarity and transparency.

In short, NAFEM understands there is a market need and desire to continue the ENERGY STAR program. The ENERGY STAR label has significant economic power, but with increased energy efficiency regulations, the program must be reworked to continue to accomplish its mission and effectiveness. NAFEM and its members have ideas on how the program can be revised and/or refocused and look forward to working with EPA and DOE on appropriate reforms.

2. Significant New Alternatives Policy (SNAP)

EPA's SNAP program implements Clean Air Act Section 612, which requires EPA to evaluate substitutes for the ozone-depleting substances to reduce overall risk to human health and the environment. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for each of the major industrial use sectors. The intended effect of the SNAP program is to promote a smooth transition to safer alternatives.¹ NAFEM has been actively involved with EPA as EPA makes decisions that directly impact the refrigeration equipment manufactured by NAFEM's members.

Most recently, NAFEM participated in the rulemaking regarding "Protection of Stratospheric Ozone: New Listings of Substitutes; Changes of Listing Status; and Reinterpretation of Unacceptability for Closed Cell Foam Products Under the Significant New Alternatives Policy Program; and Revision of Clean Air Act Section 608 Venting Prohibition for Propane."² This rule changes the date upon which certain refrigerants will no longer be allowed to be used.³

This new rule sets this "change of status date" as 2021, but that is still not enough time for industry to safely discontinue using targeted refrigerants.⁴ NAFEM advocated then and reiterates now, that this deadline should be extended until at least 2025.⁵

¹ <https://www.epa.gov/snap/snap-regulations>.

² Docket No. EPA-HQ-OAR-2015-0663; FRL-9941-84-OAR.

³ See Final Rule 81 Fed. Reg. 86778 (December 1, 2016).

⁴ *Id.*

⁵ See NAFEM comments available in Docket No. EPA-HQ-OAR-2015-0663; FRL-9941-84-OAR.

There are a variety of reasons why the 2021 deadline is unreasonable and problematic. NAFEM's concerns include, but are not limited to, the following:

- Manufacturers and suppliers both commented in unison that it would take 5-7 years to achieve changeover from R-134a and R-404a but EPA only gave 3-4 years. Many manufactures are still going through the research and development phase this year to prepare their facility and laboratories for production and development.
- The current regulations imposed by the EPA and DOE do not work in harmony with one another. The current backlog of regulations for both the EPA and DOE has put a stranglehold on businesses for at least the next three years. Development of new products, new technologies, or new processes is at a standstill for small businesses because businesses allocate all resources to compliance.
- All the listed refrigerants have "zero" ozone depletion potential ("ODP") values (i.e., no impact on the Ozone layer), but because of the nature of the refrigerant represent dangerous and expensive challenges that are forced on the industry due to the 2021 deadline. At the same time, there are better performing alternative refrigerants that have been identified (and are being introduced in automobile air conditioners). The delay until 2025 will result in the industry being able to use these new, safer low GWP HFO refrigerants without having to introduce less safe equipment into the marketplace as a stopgap measure.
- Many of the existing SNAP regulations relied upon analyses and process that NAFEM asserts led to faulty regulatory decisions regarding refrigerant availability and future use. NAFEM believes that any future SNAP rulemaking should consider:
 - Justification for new SNAP regulations should be based on a better cost model than past practice that merely concluded "that the new refrigerant costs the same or less than the new one."
 - Eliminate Social Cost of Carbon benefit analyses used to justify exorbitant costs and ensure that "health benefits" are accurately calculated.

NAFEM appreciates the opportunity to provide these comments to the EPA in response to Executive Order 13777 and looks forward to working with the agency to develop true regulatory reform. Please contact me if you have any questions or NAFEM can provide additional insight. We look forward to working with you on these practical regulatory reform suggestions.

Respectfully submitted,

Charlie Souhrada, CFSP
Vice President, Regulatory & Technical Affairs
North American Association of Food Equipment Manufacturers



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**Re: North American Association of Food Equipment
Manufacturers Comments Regarding the U.S. Department of
Energy's Regulatory Burden Reduction Request for Information (82
Fed. Reg. 24,582; May 30, 2017)**

The North American Association of Food Equipment Manufacturers (NAFEM) submits the following comments to the U.S. Department of Energy's Regulatory Burden Reduction Request for Information (82 Fed. Reg. 24,582; May 30, 2017) (DOE RFI). DOE's RFI relates to its effort to comply with Executive Order 13771, *Reducing Regulation and Controlling Regulatory Costs*.

NAFEM is a trade association made up of more than 550 foodservice equipment and supplies manufacturers providing products for food preparation, cooking, storage, and table service. These member companies have consistently implemented measures to improve energy efficiency and reduce harmful emissions. To that end, NAFEM provides these comments to DOE to identify regulatory issues that are responsive and consistent with the regulatory burden reduction goals outlined in the DOE RFI.

1. OVERVIEW

As DOE has expanded its energy efficiency and other regulatory initiatives mandated by Congress over the past decade, NAFEM has become more involved and engaged with DOE, as well as the Environmental Protection Agency (EPA), regarding regulations that impact NAFEM members. These include, for example, energy efficiency standards promulgation and enforcement, ENERGY STAR standards development and enforcement, and related restrictions on production and use of various chemical refrigerants. All of these regulatory issues are interrelated and often involve both DOE and EPA considerations that impact how NAFEM members obtain critical product components; design, test and manufacture final products; distribute, install, and repair products; etc. DOE's regulations not only have significant impacts on large manufacturers of both hot- and cold-based products, but often can significantly impact many small businesses and their ability to compete in the market place in various product categories.

While NAFEM recognizes the significant challenges facing DOE and the great work that the Department generates in many areas, there are certain practices that NAFEM believes could be reformed, improved, and/or simplified to benefit the economy, while also ensuring appropriate energy efficiency and consumer product diversity. In NAFEM's experience, there are some areas in which DOE has relied too extensively on theoretical modeling, component vendor unproven predictions regarding energy efficiency capabilities, inaccurate information about and reliance on technologies in use outside the United States (such as the European Union), and other theoretical tools to set standards for commercial appliance categories or subcategories.

In many of those instances, NAFEM has attempted to identify unreasonable impacts and the potential negative market impacts of certain DOE decisions, but often has found DOE to be unresponsive or rigid in its approaches or defenses to real-world information NAFEM is presenting. For example, NAFEM was forced to litigate certain commercial refrigeration standards and, while the Seventh Circuit Court of Appeals ultimately concluded that DOE deserves extreme deference in setting standards, the issues NAFEM raised in its litigation are very real, have proven to be significant market impacts, and deserve a more thorough discussion and review by DOE through this DOE RFI regulatory reform process. NAFEM is attaching the main briefs from that litigation (Attachments A & B) as examples of the types of issues that NAFEM and its members have identified, the technical justifications that underlie those issues, and now can confirm that the problems identified in those briefs have been confirmed in real world practice subsequent to the litigation.

NAFEM recognizes that DOE has limited resources. The suggestions contained in these comments ultimately will reduce this burden by improving and streamlining the standards promulgation process, even if that means DOE must increase the number of years in between standards revision processes. NAFEM asserts that such a revised approach is entirely logical because there are diminishing benefits associated with each standard revision process.

Another confounding problem facing DOE and NAFEM members is the extensive overlap, yet regulatory separation, between certain DOE and EPA regulatory and enforcement responsibilities. For example, EPA regulates use and availability of various refrigerants (*i.e.*, through its Significant New Alternatives Policy (SNAP)). DOE regulates the energy efficiency of products that rely on such refrigerants, and the ultimate energy efficiency of a final product is directly related to the refrigerant being used. NAFEM has documented and DOE has confirmed that the lack of communication between EPA and DOE has led to certain unfortunate standards-related conclusions that adversely and unreasonably impact the industry and the economy. Another example relates to the ENERGY STAR standards process itself. Companies conduct extensive, lab-certified testing to support their compliance with ENERGY STAR standards, but DOE relies upon independent laboratories that often lack adequate expertise, equipment and/or best practices, to conduct enforcement. Both DOE and EPA require a certain amount of testing to certify. However, the difference is the EPA requires third-party certification of compliance before listing on their database while DOE allows a manufacturer to list the rating whether it was tested by the manufacturer in their own lab using an AEDM or if the manufacturer sent the product to the third-party lab to have them do the same. (EPA also has an expensive, annual verification by third-party whereas DOE only verifies in an enforcement action.) This creates

discrepancies between test results and leads to instances in which improper or unreasonable testing procedures can lead to unnecessary, unfair, and wrongful enforcement actions.¹

The following comments are focused on helping to identify specific issues that DOE should consider as it develops its program for complying with the President's various Executive Orders related to regulatory burden reduction.

2. DOE CAN SIGNIFICANTLY IMPROVE ITS ENERGY EFFICIENCY STANDARDS DEVELOPMENT AND IMPLEMENTATION PROCEDURES THROUGH THE COLLECTION OF DATA AND COLLABORATION WITH STAKEHOLDERS

NAFEM believes that every energy efficiency standard for every subcategory of products that DOE attempts to regulate deserves its own, real world product analysis and demonstrated energy efficiency standard, including verification of the market availability of critical product components, e.g., energy efficient compressors that work in a particular application.² NAFEM recognizes the challenges facing DOE in setting specific energy efficiency standards for highly specialized product subcategories. In the past, DOE has avoided investing appropriate resources into that process by using mathematical computer models to predict energy efficiency for various products. Often, these models are based on a single theoretical product that spans an entire industry category and subcategories. Unfortunately, this practice often leads to unachievable final standards that prevent the industry from continuing to offer various product lines, or at least, significantly limits competition in the market for such products.³

One overarching suggestion to "fix" some of these issues is for DOE to rely more extensively on expert involvement in that process through existing procedures associated with formal negotiated rulemakings; in this case through DOE's Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC). This process, which NAFEM recognizes can be initiated by industry request, was particularly helpful in responding to industry litigation related to DOE's walk-in-coolers and refrigerators rulemaking. Not only did that process meet the needs of NAFEM members (and other industry participants), but the process and results also were hailed by non-governmental organizations (NGOs) for the timely and efficient

¹ For example, a company may have test data that shows a product meets the requirements and relies on this information in its product offering. However, DOE may have different results and begins an enforcement action. These enforcement actions can be aggressive, and it is very difficult to get DOE to consider any test results other than what DOE conducted. DOE should include a process to review and/or validate a company's existing data before bringing enforcement action.

² See, e.g., commercial refrigeration equipment regulations, including product categories, at 40 CFR Part 431.

³ As an example, a NAFEM member company shared that it cannot achieve the energy level requirements on Horizontal Closed Solid, Self Contained, Low Temperature cabinets and no longer makes these models. The impacts on this company would be remarkably, and illogically, different if these models were configured with vertical doors as the energy use permitted increases dramatically simply by changing the direction the doors open.

outcome.⁴ NAFEM encourages DOE to look for similar opportunities to work closely with industry throughout the regulatory process.

The remainder of this section below addresses other key aspects of the standards development process that NAFEM believes are ripe for regulatory reform and improvement.

a. DOE SHOULD SET STANDARDS ONLY FOR CATEGORIES/SUBCATEGORIES OF PRODUCTS FOR WHICH IT CAN DEMONSTRATE SPECIFIC TECHNOLOGIES JUSTIFY THE STANDARD

NAFEM's Seventh Circuit litigation clearly identifies various categories and provides specific examples of illogical or unjustified standards, and we have attached the appropriate briefs for DOE's review. Yet that litigation only addresses commercial refrigeration. DOE's process for all regulated products includes only developing its models based on component manufacturer prototypes, including those that are not yet readily available in the marketplace or tested in various applications, and not testing them to see if these products could exist in the real world.⁵

There needs to be a recognized balance between driving/forcing the technology and actual standards achievability. DOE too often focuses only on emerging technologies that are not yet available in the open market. For example, in the CRE standards setting process, a "component" manufacturer indicated that it could improve the energy efficiency of a component for a single or limited application by about 10 percent. Despite the specific limitations set by the manufacturer, DOE assumed that all such components, in all categories, regardless of refrigerant, would improve by 10 percent. That assumption has proven to be a fundamental stumbling block for CRE manufacturers. If DOE will consider this and other NAFEM's commercial refrigeration examples and is willing to consider revising its approach for developing all energy efficiency standards, NAFEM will poll its members and identify all appropriate categories and subcategories of energy efficiency standards that were based on inappropriate modeling and component assumptions and provide that comprehensive list to DOE.

⁴See NRDC blog at <https://www.nrdc.org/experts/elizabeth-noll/2015-ends-cool-note-walk-coolers-and-freezers> ("In initiating the negotiated rulemaking process to amend the standards in question, DOE provided the adequate and necessary resources to ensure a successful completion of the process. It returned to the drawing board and collaborated with a working group of industry and advocates (including NRDC) to develop six standards on which all parties could agree. The analysis verified that there were hugely cost-effective options and thus all parties were interested in moving the process quickly, which made a negotiated rule making the preferred approach for amending these standards. Given the controversy surrounding these standards just four short months ago, this is a huge win for energy efficiency and a testament to the effectiveness of negotiated rulemakings for working through complex and challenging concerns.")

⁵ NAFEM raised the issue of compressor efficiency gains in its rulemaking challenge and manufacturers are now having real-world issues finding compressors to install in products to meet the new requirements. Attachment C illustrates this situation in a member company exchange with two, compressor suppliers.

Similarly, NAFEM contends that DOE's subcategorization process itself is often illogical and leads to significant market impacts. Whether DOE's process relates to treating clearly different features as identical (solid doors versus glass doors⁶) or otherwise does not fully account for important product nuances that impact energy efficiency, the industry deserves a better opportunity to explain its concerns and recognize that DOE will listen to and address such real-world problems. Without revising its approach in these ways, DOE is directly impacting product diversity, e.g., inability to use glass doors in necessary applications, and reducing overall market competitiveness, contrary to regulatory requirements.

b. DOE WAIVER PROCESS SHOULD NOT BE A BACKSTOP FOR POOR STANDARDS AND IS CURRENTLY OVERBURDENED

In the past, DOE has responded to unachievable standards by pointing to its regulatory exemption or "waiver" process as a safeguard.⁷ NAFEM believes that such a response is an abuse of the original intent of the waiver process, unfairly puts the regulatory burden on manufacturers to prove a negative – when DOE should have had to demonstrate existing technology to start with – and should not be used as DOE's excuse for defending flawed energy efficiency standards to begin with (as it did in response to NAFEM's legal challenge).

Further, NAFEM members have found DOE's waiver process to be inconsistent, unresponsive, and essentially unworkable in some instances. Efforts to contact DOE regarding the process and status of various waiver applications have ended up being directed to voicemail accounts that do not accept voicemails and emails that are never returned. Some NAFEM members have waited up to two years for responses to their waiver requests. If DOE desires to continue to rely extensively on its waiver process, there should be a specific deadline after which a waiver application is deemed approved. NAFEM suggests that DOE establish a 30-day review period for waiver applications in order to ask questions or obtain more information if needed, followed by a 45-day response period, without extensions.

c. DOE SHOULD NOT RUSH STANDARDS REVISION TIME LINES, ESPECIALLY WITH DIMINISHING RATES OF RETURNS FOR EACH REVISION, AND MUST PROMULGATE TESTING PROCEDURES BEFORE NEW STANDARDS

NAFEM recommends that DOE provide industry with more time to meet new standards and take a "wait-and-see" approach to beginning the process of revising those standards.⁸

⁶ NAFEM has provided a specific example of this issue (Attachment D); see also Seventh Circuit Briefing at Section II.A.

⁷ See 10 C.F.R. §431.401.

⁸ For example, DOE standards for refrigeration (March 2017) and automatic ice machines (January 2018) are, more or-less, being fully implemented by the manufacturing community (including redesign effort, production system retooling costs, prototype production and testing and 3rd party approval of the new equipment). The related expenses and impact for on-going R&D activity are already committed. The next planned round of even lower proposed energy consumption targets should be delayed or canceled so that industry has time to digest and partially recoup some of the higher costs and resource limitations imposed on it by the current program. Similarly, industry should be given a longer period of time to address and implement equipment systems satisfying the next round of DOE directives because the current three-year

Currently, NAFEM members are frustrated by the ongoing and inefficient cycle of standards development and revision that results in the industry working at breakneck speed the entire time between energy efficiency final rules to try to get into compliance, only then to have to redesign and modify product lines for new standards not significantly more efficient than prior standards. Attached is a graphic NAFEM compiled (Attachment E) showing the average planning cycle for commercial refrigeration equipment. It ranges between 7.75-11 years, yet the regulations require cycles every six years. This is untenable. The diminishing benefits from one standard to the next do not justify the market impacts associated with continual and constant product redesign, testing and then production revamps. NAFEM recommends that DOE perform more complete analyses of existing standards, including calculating the precise energy savings, and related financial impacts on manufacturers/society, that have occurred through implementing those standards, before initiating any new standards development processes.

Another area for DOE review and regulatory reform relates to the testing procedures that accompany its energy efficiency standards. NAFEM believes that DOE should commit to developing test procedures for a product before standards are set or enforced. Blast chillers and walk-in coolers/walk-in freezers (WIC/WIF) are illustrations of industry's frustrations in this regard. In fact, not all products even have test procedures, which means there is no way to measure compliance. Again, DOE's reliance on its waiver process in such circumstances is not an appropriate alternative for the reasons outlined above. Test procedures also are a significant burden on small businesses that put them at a competitive disadvantage. Even though some NAFEM members may have their own certified laboratories in which they can test products, all businesses must have compliance testing conducted by commercial, certified laboratories at great expense and sometimes at significant delay, due to limited laboratory availability.

d. DOE SHOULD REFORM THE COMPLIANCE CERTIFICATION MANAGEMENT SYSTEM (CCMS)

NAFEM also suggests that DOE reform the Compliance Certification Management System (CCMS). The system is bureaucratic, requiring manufacturers to constantly test products and file reports. In some cases, DOE has not even provided the CCMS compliance template before the compliance review date has arrived, and other times DOE has provided an unreasonably short window for filing reports – three months is too short a response period.⁹

CCMS mandates are also a significant burden on members. NAFEM small business members report that CCMS related testing and reporting costs a minimum between \$10,000 - \$15,000 for every product line or family of products. These costs have led some small businesses to pick and choose which product lines to focus on, resulting in significant reductions in the number of overall product lines being manufactured, lost profits, and employee layoffs.

process was inadequate to optimally develop the better technology and components needed to satisfy the more restrictive energy targets, get prototypes tested and lines re-tooled in a prudent, cost-effective manner. In the current process, critically necessary prerequisites, such as efficient condensing units, innovative EPA approved refrigerants and specific types of electronically commutated motor (ECM) controls, were not commercially available at the time standards were promulgated.

⁹ See DOE CCMS website at: <https://www.regulations.doe.gov/ccms/templates>.

Proposed requirements to submit certificates of admissibility to the U.S. Customs for each imported shipment is an incredible burden and redundant with other reporting obligations. Similarly, because the U.S. and Canadian programs and markets are similar, the two countries should harmonize reporting requirements and templates. For example, DOE should survey Canada, U.S. states and other agencies to identify additional information that should be included in the CCMS data base, e.g., type of refrigerant. This will position the CCMS as a universal, one-stop location where manufacturers list their products. In turn, this will avoid duplication of individual listings and encourage Canada, individual states that set standards, ENERGY STAR, and other agencies to further harmonize their reporting requirements with DOE's database. DOE must take the lead within the United States and coordinate with Canada to avoid costly and unnecessary variability in standards setting and reporting processes.

3. DOE SHOULD WORK WITH EPA TO ELIMINATE DUPLICATION BETWEEN ENERGY EFFICIENCY REGULATIONS AND THE ENERGY STAR PROGRAM

The Trump Administration has proposed to significantly alter the ENERGY STAR program by not requesting any funding for EPA for that program. NAFEM members have been active and supportive partners with both EPA and DOE regarding ENERGY STAR and related energy efficiency standards. There is no doubt that there is too much redundancy between EPA and DOE in these regards. The standards for DOE's energy efficiency program and EPA's ENERGY STAR are similar, but because of the nature of the two programs – one being mandatory and the other a voluntary program designed to promote a more advanced energy efficiency system – they are not identical. That conundrum causes its own market inefficiencies for NAFEM members that want to participate in ENERGY STAR, resulting in duplicative but not identical reporting processes, increased enforcement liability, and separate demands on participating companies. While NAFEM understands that eliminating ENERGY STAR could address many of these issues, the ENERGY STAR trademark and product label are recognized and valued by the general public and commercial customers.

DOE and EPA must work together to reduce the overall regulatory burdens, duplication, and inconsistent testing requirements associated with EPA's and DOE's ENERGY STAR implementation and avoid ENERGY STAR becoming a "pre-code" to subsequent DOE standards. NAFEM believes that by better coordinating the various elements of ENERGY STAR between DOE and EPA, DOE can help achieve some goals of the Administration's various Executive Orders relating to regulatory reform and market efficiency. One suggested alternative is to privatize ENERGY STAR management through a third-party organization. NAFEM fears this will not address confusion with DOE's energy efficiency standards and could cause the public to lose confidence with the program's credibility. We are committed to work with you to preserve and improve this important voluntary program.

4. CONCLUSION

NAFEM appreciates the opportunity to provide these comments to the DOE in response to the DOE RFI and looks forward to working with the Department to develop true regulatory reform. Please contact me if you have any questions or NAFEM can provide additional insight. We look forward to working with you on these practical regulatory reform suggestions.

Respectfully submitted,

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List of Attachments:

- A. NAFEM Brief, May 8, 2015
- B. NAFEM Reply, August 19, 2015
- C. Compressor Supplier Limitations Example
- D. Solid Doors Versus Glass Doors Analysis
- E. Average Planning Cycle for Equipment

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u Dh h D m IL Dt R

LVM§ D D D D D D D D D D D D
D D D IL D D D D D D D
D MD D D D D D D D a
i DD§ sswR

LVMp D D D D D D D a

Mp D D D D PD D bD

uSh

MD D D D D D D D D D D D D D
a

uSh

h DDz a SDq D_zRDs k a t D PDVTUY

h DDw Du a q D_zRDs

w D D D D' O O D D D D D D
j Dy DWMRDD = u D

h a i DJDs PDU U Dw Dh P uR-RPD_z YTIP
- PLkR_y RLVTTIZ QZVW

w Du a LVIVMD_z Q U m Du a LVIVMD_z QWT

l Q a g R

2

S S

— O O O CH O hO —
WdRWDX DLkRj Rj RDU_ WXXX

— O CH fO hO hO'' f
VtUDhRW ZI] DLY D] RDVTI WXXX

— O hO hO'' P
] WdRV DYULkRj Rj RDU_] WXXX

— O fO hO hO f
U[DdRWDXLU D] RU_ WXXX

'' —O O hO hO h hO h hf
WYDhRW] U] DLY D] RDVTI WXXX

' hO hO CH O hO —f
]] YdRV DWYLY D] RDU_] WXXX

' O h h—hO hO hO O O O P
XZ[D' RZ] WDLU_] WXXX

' O O O hO hO — P
UWdRWDXULkRj Rj RDU_] WXXX

OB O hfO hO hO —f
[Y dRV D TYULkRj Rj RU_] Y WXXX

O O hO —f
WdRV DWULkRj Rj RDU WXXX

O O O fO hO hO O O fO hf
YV] D' RZ] DLVTI WXXX

O O O O O hO hO O O O f
U[DdRWDXULkRj Rj RDU_] WXXX

O hO hO f
Z_ DdRZ RDV D] TXUL RkRDX RDVTI WXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

O O hO- CH O hO O O hO- O RO h
XZWP RZRDV_DLU] V[REDACTED]

O hO- CH O h O OVO O- hf
UZDhRWDVILLkRj Rj RDU_[REDACTED]

CH O- CH O O O O hO hO f
UIDhRZ RDV DWLLkRj RDTT[REDACTED]

' O hO P
[Z] DhRV DUWYDLkRj Rj RDU_] Y[REDACTED]

g O hO O- CH fO hOHO O O O- F
ZYDhRWDY] TLL[Dj RDVTU[REDACTED]

O O O hO'' P
WVhRWDWVLLWj RDVT[REDACTED]

O hO hO O O O- fh
WVhRWDVLT_DLkRj Rj RDVT[REDACTED]

O fO hO hO f
WVhRWDV_DLV Dj RDVT[REDACTED]

O CH fO hO hO'' f
srl O hl Qj nmL[Dj RDU_ V[REDACTED]

hO O O hO P
[ZIDhRV DUXZILL[j RDU_] Y[REDACTED]

O OVO O- CH O hOP-
UZDhRWD_WWLY Dj RDU_] B[REDACTED]

O O hO O O O hf
YZ] DhRV DVXILLV Dj RDU_[REDACTED]

[illegible]

[_Dm RDy RDU P[YXX
 [_Dm RDy RDU P[YXX
 [_Dm RDy RDU P[ZXX
 [_Dm RDy RDU P[[TXX
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 [_Dm RDy RDU P[UQXX
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 [_Dm RDy RDXZPUVZPDXZPUXX
 [_Dm RDy RDYYP]]_PDYYP_Q]] XXX

1 RDv Du RUWPYZWP O O O O f XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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 , O O O f DyRDz Plh P
 v D Dp D Dy Ih IlL DVIPDVUM Ot
 aSS R R S S S S S S
 Q Q R XXX

w D Dq DVIUWj Ih Dw ILD@ § Dw D Dj
 h Dw PDA Dq DVIUWP O t
 aSS R R S S S S S
 V[R L D D DXPDVUMXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

zi hDv D Ih P-O O O O- hO O O
 O O O O-XILVTUMP O t
 aSS R R S S S S TYUV TRXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

§ D D D D u Ih Ih D Dm
l D D D D D D D D D D D
j D D D D D D D D D D D
L D D D D D D D D D D
D D D D D D D D D D D
PD D D D D D D D D D D
D D D D D D D D D D D
z D D D D D D D D D D D
D D D D D D D D D D D
D D D D D D D D D D D
L D D D D D D D D D D
L D D D D D D D D D D
D D D D D D D D D D D
D D D D D D D D D D D
D D D D D D D D D D D
D D D D D D D D D D D
X D R R R D Z W Z L M M M M
uhm t D D D k D D D D D D D D D D D
D D D D D D D D D D D
L D j y D M D D w h L D D m D y D R G U I X U L m D y M L m R
y R U P W Y L D M P D V T U X M X V ° R R R D Z V _ Y R D D D D
uhm t D D D D D D D D D D D D D D D D D
p R
uhm t D D D D D D D D D D D
D D D D D D D D D D D D D D D D D
u j D D D j y l D D D D D D D D D D D D D D D D D
.RDA

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D D D D R § D D D

D uhmt D D D D D D

D D D D D R § PD Dw

D D D PD D D D D Dm Dy R O

O O fO hO hO O O fOYH R RDZ[PD] ULVTIM

uhmt D D w t WPDVUXPD D ZTQ D

D t D] PDVUXR XVD R R RD ZWZL MUMM

S S S S

LUM k kvL D Dw Dy D D D D D D

D D D D D

w Dh D D D D D D D D

D D D D

y D f

LVM k DkvL D D Dw Dy D D D D D D

D D D D D Dyl Dm Dy D

l ulyn' zshyPD D D D D D D

kvL PD D D D whf

LVM k DkvL D D D D D D D D

D D D D D D D P

D D D D D D D PD

D D D D D D D
 D D D f
 LXM k Dkv D D D D D D D D D
 D D D D D D D D D
 D D D D D D D D D
 PD D D D D D
 D D D D D D D D D
 f
 LYM k kv D m Dy D D D D D
 D l w h Dh Dw Dh D D D D M
 D D D D D D D D D
 D D D D D D D D D
 D D Dkv D D D D f
 LYM - Dkv D Dm Dy D D D D D D D D
 D D D D D D D D D D f
 LYM - Dkv D Dm Dy D D D D D D D
 D D D D D D D D D D
 D D D D D D f
 LYM k kv D D D D D D Dy
 m Dh D D D D D D D D f

S S S

§ D D uhml t DDw Dy D kvl DDm Dy
 l l z D l Dy l R k DG
 U l m Dy M l m R Dy R U l P W Y R v D L U U P D V I U W l kv l D D
 D D D D w y l m k R G D V l u v w y M l l m R Dy R Y Y l _ T R
 v t D Z P D V I U X P kv l D D m Dy R k R G D U I X l m Dy M l m R
 y R U l P W Y R v t V l P D V I U X P u h m l t D w D y
 D l w j h D D W Z P X D P R z R j R D Z W Z L M U M V l v D l M l P D V I U X P D
 ' P l p R D D l h l j P l p P D Dy l p l l l @ h o y p l A M
 D D D D m Dy P D u h m l t D D D D
 D D l j y l Dy v R
 p R z l D D l D w D l j l h
 m D U l W v D D v w D l l j D
 P l j D D l w j h P w R D s R _ X D L Z W l U l Y M P D D
 D D D D D D R D p
 P D l w j h D D l @ l j D w D l j
 w D v D l h R D X D P R z R j R Z V _ U Q W l _ R z D P D
 U l l P l j D D u l l j D w l h l l l @ j w h l m P
 w R D s R D _ Y Q Z U _ P D D l w j h D D D

² § D D D D D D l s D w Dy P l l y Q l U W l s Q w Q l V Y P D
 D D D D l j y l D D D D u h m l t D D D D
 R

D D PD D D D D
D D D RDKVD RZ RJ ZWUCZWI W
§ D D Dkvl PD D D D D Dw P
D D D D D D D P
D PD Q D D R XVD RZ RJ RD DZV_YL M
ZWZL MURDI PDkvl D D D D D D D
D D D D D D D D RDKVD RZ RJ RD
ZV_YL MR
hR kvl D D j Dm D D D D D D
z
p D D D D D PDkvl D D D
D R Dm PD D D D D D
D D RDKVD RZ RJ RD DZV_YL M D PD D D D D
D D D D D D D D D
D DA D D D D D D D D DA
XVD RZ RJ RD DZV_YL M D D
h D D D D D D D D D
D D BAXVD RZ RJ RD ZV_YL M D D D D D D D
D D D D D a

^w_z D D D D D D D D D
D DU_VDLI Dw Dh D DU_VPDw RDRDUY ZMPDVTIYDLI Dw Dh D
VITYPDw RDRDUY Q MPD DVTI ILI D D Dh D DVTI PDw RDR
UTQXIMR

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|----|-----------------|-----------------------|---------------|--------------------|------------------|------------------|-----------------|---------------|
| UR | D
D | D
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D D D | D D
b | | D D | | D |
| VR | D
D
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PD
D D | D
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PD D
D D | D
IL D
D D | D D
MD
D D | D
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D b |
| WR | D
D D | D
D | D
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D D | PD D
D | D D
D D | PD
b | PD |
| XR | | D D
D D | D
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D | D
D D | D
D | D
b | D |
| YR | D
D R L
D | D D
Lh
b | D
Lh | D D
PD D | D
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| ZR | D
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| [R | D
D | D
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XVD RZ RJ RD ZV_YL MLMi MLMLxppMPDZWZL MRM

| | | | | | | | | | | | | | | | | | |
|-----|-----|------|----|----|----|----|--------|----|----|-----|----|-----|---|----|---|---|----|
| iR | kvl | Dw | | Dm | P | | Dl | P | P | | Dz | | D | | | | |
| j | | | D | D | Dz | | | | | | | | | | | | |
| kvl | D | D | | D | D | | D | D | D | | D | D | | | | | |
| | Rd | Pkvl | D | D | D | | D | D | D | D | D | D | | | | | |
| | | D | D | | D | D | D | D | | | | | D | | | | |
| D | D | | D | D | D | | D | D | D | | D | | D | | | | |
| | D | | Rd | D | Pz | Rj | RZV_YL | MW | Mz | | Pd | kvl | D | D | D | | D |
| | D | D | D | | D | D | D | D | D | | D | | D | D | | D | D |
| | | D | D | D | | D | D | D | | D | D | | D | D | | D | D |
| | | D | D | D | | Dz | | D | D | D | | D | | D | L | D | MD |
| | D | | | | | L | | D | | MPD | | PD | | PD | | | PD |

$$\mathbf{Z}$$

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|-----|------|----|--------|-----|---|--|---|---|---|
| | D | D | D | | | D | D | D | D | D | | D | | D | D | D |
| z | D | D | D | D | D | D | XRD | RzRj | RD | DZV_YL | MXR | | | | | |

[illegible]

§ Dw Dy D Iklvl D D D D D D D

D D D D D D DRD PD D a

LUMS Ik D D D D D D D

D D D D D D Iklvl D

D D D D D D Rklvl D

D D D D D D Q

D D D D D D D D

D PD D D D D D D D

PD D D D D D D D

Rp D Pklvl D D D D D D

D D D D D D D D

D D D D D R

LVM_p D Ik D D D D D D D
 D D D D D D D D
 D D D D D D Ik_{vl} D D D
 D D D D D D IL D D PD
 MPD Ik D PD D DD D D D
 D D D D D PD D D D D
 D D D R

[

UNDj RnRyRDw XWFPLh DhD Dz Dj D DUIL MR

$$\begin{array}{ccccccc} \text{kR} & \text{kvl} & \text{DDy} & & \text{D} & \Pi & \text{Dj} \\ y & & & \Pi & & & z & \text{D} & \text{Dj} \end{array}$$

| | | | | | | | | | |
|---|-----|---|---|---|---|---|---|---|---|
| o | Pyl | D | D | D | D | D | D | D | P |
|---|-----|---|---|---|---|---|---|---|---|

\mathbb{D} \mathbb{D}_w \mathbb{D}_h \mathbb{D} $\mathbb{D} \text{ITYD}$ \mathbb{D} \mathbb{D}_h \mathbb{D} \mathbb{D}_t \mathbb{D}_S

| | | | | | | | | | |
|---|----|----|---|------|-----|------------|---|---|---|
| j | lh | PD | D | lkvl | DDq | D_PDVTT_PD | D | D | D |
|---|----|----|---|------|-----|------------|---|---|---|

D D D wj hDL XDm RDy R UFT_VMR

kv1 D D D D D D D D D DMPDVIUTP

$$D \quad D \quad D \quad D @ m \quad D \quad A \quad D \quad D \quad D \quad R_k \quad RGV R_h \quad D \quad D$$

D D D D PD D_z DUDPDVTWPD_{kvl}

$$D_{uvwy} \quad D \quad D \quad D \quad D$$

R k RDGYMLuvwyM []Dm RDy R YYP]_TRDDp D uvwy PLkvl D

D D D D D D D D

D R h YYP_VR kv1 D D D

LLD@§zkDA MD D D PD D D D D D D

Rk RDGDYULw D§zkMR

s D D D D PD Dv DWPDVUWPLkvI D DD D D

[illegible]

uhml t PD D P D D D uvwy Rk ~~RDG~~ ~~W~~ ~~UR~~

1

| | | | | | | | | | | | | |
|---|----|-----|------|----|------|----|-------|------|-----|---|-----|-------|
| | D | D | | D | | D | D | R | RD | j | | D_R |
| h | | PD | DzkD | | D | | D | Dkvl | DDt | | Dp | |
| h | L | RD | Dj | | DUMD | | D | | D | D | D | D |
| y | | Dm | | Dh | PD | D | RzRj | RD | DDK | | D | D |
| | | | | | | | | | | | DD@ | " ... |
| | D | D | | D | D | DD | | D | | D | D | D |
| | D | | D | | D | | D | D | | D | | RDA |
| k | RD | GIX | DLm | | Dy | | Mp_Dm | RDy | RD | D | P | UK |

[illegible][illegible]

UT

D D D D D R y D D
 P j D D D kvl D D D D
 D D kvl D D D D D D D D D D
 D D D D D D D D D D
 D R
 h D P D D D P D P kvl
 D D D D D D D D D
 D D D P D D D D D D D
 D R m D P kvl D D w y D D
 D L D D j y l M D D kvl
 D D D D P D D D D m D y D D
 D D D D w h D D D D D D
 R D h P kvl D D D D D PD
 D D D D PD D D D D D
 PD D D D D D D D D R
 m PD D D D D D D D D D
 D D D P kvl D D D Q
 D D D D D D R kvl D D D
 D D D D D D D D D
 D D PD D D D PD D D
 D kvl D R R R R D D D D D D

R kvl DD D D D D D D D D

j D m Dy R

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------|-------|----|-------|----------------|-------|-----|----|-----|--------|-----|-------------------------|------|----------------------|------|----------|-----|-------------|------|---|------|-------|---|---|-----|---|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | S S | | | | | | | | | | | | | | | | | |
| w | D | | | | Dm | | | | Dy | D | D D | | | | Dl wj h | | | | D | hwhP | | | | | | | | | | | | | |
| YD'RzRj RD | DYPU | O | RDDm | D | D | | | | D | Dm | Dy | D | Dl wj h | | | | P' | | | | | | | | | | | | | | | | |
| h h-hO | hO hO | O | | | | O | | | | O | PDKZ[D'RzRD] W'DLU_] XM | | | | R | | | | | | | | | | | | | | | | | | |
| O | O | fO | hO hO | W'DhRWDW_PDKWL | | | | Vj | RDVTWp | Vj | D | | | | | | | | | | | | | | | | | | | | | | |
| D@ | D | | | | D D | D | D | | | | D D | | | | DA D | D@ | D | D Dj | | | | D | | | | | | | | | | | |
| PD | D D | D | D D | D | bD | | | | D D | PD | D | D D | D | PD | | | | D | | | | | | | | | | | | | | | |
| D D D | | | | D | | | | D | | | | D Dj | RDA' | | | | f XZ[D'RzRD | | | | | | | | | | | | | | | | |
|] XVQWR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| m | D | D | | | | D | Dm | Dy | D | D | | | | Dhwh | Dj | D | | | | | | | | | | | | | | | | | |
| D D D | | | | D@ | PD | | | | PD | | | | D | D D | | | | PD D | | | | D | D | | | | | | | | | | |
| D | | | | D | bDA | D@ | D | D D | | | | D | | | | PD | | | | PD D | | | | | | | | | | | | | |
| D | D D | | | | D | | | | bDA | D | D@ | D | | | | D D | | | | D | | | | D D | R | | | | | | | | |
| °RzRj RD D[TZLVMhMPQjMR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| h | D | D | | | | D D | D | | | | D | D D | | | | D | D@ | D | | | | D | | | | | | | | | | | |
| D D | | | | D | | | | D D | | | | D | PD | | | | D D | | | | D D D | | | | | | | | | | | | |
| D | D | | | | D D | | | | D | D | | | | D D | PD D D D | | | | D | | | | D | | | | | | | | | | |
| D | D D | | | | D D D | | | | D D | | | | D D | D | D D | | | | D | RDA | | | | | | | | | | | | | |
| O | O | | | | hO- | O | hO | O | O | hO- | O | hO | PDKZ[D'RzRD] W_PDKWL | | | | LU_] MM | | | | | | | | | | | | | | | | |
| D@- | Dj | D | | | | D D | | | | D D | | | | D | | | | D | | | | D | D | | | | | | | | | | |

UV

| | | | | | | | | | | |
|--------------------------------|--------|-----|---------------|-------------|----------------------|---------------------|----------|------------|----------|-----|
| | PD | D | D D D | | D D | | D | D D | D | RDA |
| | O | hO | O- CHO | hO hO | hO O | | O | O- | PDYZDnRW | |
| Y[TPM][DL[Dj RDVTUML | | | | D | D | Mh | | D D | D D | |
| | D D | | D DD@ | | D D | | D D | Q Q | D | |
| | D | | D D D | IDA RIL | | O | | hO hO | O | |
| O- hf WXDnRWDVLT_PDUUZDLkRj RJ | | | | RDVTIM | | | | | | |
| t | PKvl D | DD@ | | D D | D D D | | D D | | D | |
| D | D | | D | D D | D D D | | D | RIDA | g | |
| | O | hO | O- CHO | fQpopO hm O | ObrqL | | O | PDKZW' RzR | | |
| DXWb | O | | O | CHf O | hO hO '' fQsr l O hl | O kj nmf O kj nsgoj | L[[Dj R | | | |
| U__VMPD | | DLk | RD[PDU__VM@ p | D D D | D | DD D | D | D D | bD | |
| | D | | D D | | D D | | D D D | D6 | | |
| | D | DD | | D | D D | | D D D D | D D | | |
| | D D D | D | | D | D D DD | | D | D DD | D | |
| | D D D | D D | | RDA MhO | O | | O h | PL[ZIDnRV | | |
| UXZTPDU[TI[j RU_] YML | | | | n | | | hw h z | DYYWL MD | D | |
| t | D D | | D D | DDD@ | | D D | D | D | D | |
| | D D D | | | D D' D | D D | .D | D | D | PD D | |
| | D DD | | D | D D D | | D yD | RDA MR | | | |

UW

UX

D Dm Dy PD D D D D D DkvI DD
 D D D D D PD PD D DkvI
 D D D D D D D w y R XV
 °RzR RD LZY_YLPMD R R Rw DKW h IhD D Ij R
 h PkvI D D D D Ijyl D m Dy
 D D D DkvI Sl whI ul yn' D \$hyD R
 hR kvI D Ih D Ij Dy I
 § Dw Dy PD D D D PD DkvI D D
 D D D D D D PD D D P D
 R UIj R R Rdw XW P h IhD D Ij D IUL MR O l R
 v D R D W P Y Z W O O O O PD Z Dm R Dy R
 W P VULq R D V P D T U M I D @ z D D D D D D D
 D PD D D D D D PD PD
 Rn D D D D D D D D P
 D D D D D D D R Dp D
 D D D D D PD PD D D
 D D D D PD PD D R D A M
 O O O O O O O O O O
 O O P Ij Dy R D P h P Dv D Dp D
 y Ih Ilt D V I P D V T U M O aSS R
 R S S S S S S S Q Q R L
 D @ " ...D D D D PD D D D P

UY

PD D PD D D D D
 D PD D D D PD D D D D D D a
 RDRD' ... D D PD PD D D D D
 D D D D D PD D D D D D D DRDR
 RDRDA MR
 § D D D LD@ zi hDA MD D -O O
 - D D D D D D D D D D D
 D Dy m h D D D D D D RDS D
 LD@ " ... D D D D D D D
 D D D D D D D v D D PO O
 O- fO O ' O O O O O O-PLKT
 LVTUWP O t aSS R R S S S S TYUV TR
 kvl D D whD D D kvl D D D
 D D D D D D m y D whD
 D D D D D D D D
 kvl R
 l whD D D D D D Dy QW D D DVIUR kvl
 jyl D D PD@ D D D D
 PDyXIXD DyUW PD' .D DRDRD D D D D whD
 u D Dw DZuhwMD D D D D D
 D RDARDGUTXLDm Dy MD Dm R Dy EU P YRDDD@ zuhwDA
 D D wh DD D D D Q D D D D D D D

UZ

h D D D Dw R w D D Dw PD_Dm R Dy R
XZPUVZP XZPUV L h RZPDVUXML D DhwD
D D D D D D D D D D D
D D D D D D D D PD
w D D D D Dw D PD D PD D D
D D D D D D D D D
XIX D Dy QWK R R D D D D D Dw DD D DhwD
D D D D S D D D D D D D D Dy Q
XIX PD D D D D D D D DA D
D D D D D D R
l wh D D D D D D D D D D D D
l wh DDzuhwD D Dk vl D D D D PD D
D D D D D D D D D l whD D
D y QWK D Dy QIX D kv l D D y l D
D D D D D D D D D D
D D D D D D D D D D D
kv l D D Rkv l D D D PD D
D D D D D D D D D D D D D
PD D D D D D D D D D R

i R kv l Dr D D Dv D§ Dy D D D Dt Dm
 1
 kv l D P D D D P D D D DD Dsl wh D
 zuhwD D Dw DDj Dh Dw D§ D D
 y QWK D Dy QIX D D D D D Dyl D RDDp
 Plkv l D D D
 D D D D D D D DVUf Rp Plkv l D
 D D D PD D D D D D
 D D QWK D Dy QIX D D D D D D D D
 VUf D D RDDp D D Plkv l D D D D D
 D D D l wj h D D R
 kv l D D DuvwyD w D§zk D D Dzuhw
 D D D D D D D D
 D D Dy QWK D Dy QIX RDD§ uvwy
 l wh DD D D DD@ D D D D D D D
 D D D D D D D D D D
 D D D D Dh Dh RDAk RGDYVP Luvwy M[] Dm Rly RD
 YYP_U b O k RGDYUL w D§zk M DVQVUL D
 D RDDp D Plkv l D D D D
 D D uvwy D D D D D D
 D Dy QIXhD Dy QWK PDmj D D D D D
 D D DA D D D DD@ D D D D

D D D D D D D DAkR RDYV

Luvwy NP[_Dm R Dy R YYP]_PDYP][Q]] R

kvl D D D D D D wh DD D D

QW D Dy Q XIX R O h hk RDG[ZUL§ Ij MD DWPk RDG[WQ

hU Ls Ij MD MP k RDGZYQU I§ Ij MD DURLkvl

D D D D D D D D D WPDVTUD

R k RDGYPPYZPY[R kvl D D D D D D D

IL DuvwyMR k RDGEVLw Dt D§ M DUXXDL@R

j “kvl...aDz D D D D D D D D D D D D

D D D Ik fDt RJ D'j Ij pDa D D

D D BRj PLkvl IL D D PDu MD D D

D D whD D D D D D D D D R

RD IXUL D D D D D D D whLzuhw

D PDu DD D PDD@SD D D D

D RDh D D D D D D D D D

D D RIA M

§ PLkvl D D D D D QW D

y Q XIX D D D D D D D R kvl D D

D aLLUMI whD D D D y QW D Dy Q

XIX DVTUf b LMM D D D D D

D D D b LWWD Dw DEj Ih Dw D

Dkvl D D L D D whM D D

U

D D QWK D Dy QIX b LXM
D@ D Q-wD D D D D D D PD “kvl ...
D D D D “jyl... D D D D Q D Dm
D D D D D D D Dw DA k RDGUXLm
y MD Dm Dy RD D P MK D D D D D D
D D D D D D D QWK D Dy QIX D D D D
D VU R
§ D D D Dm Dy D D Dkv D D
D D D D D@ D DA D
D QWK D Dy QIX L D D D D PD D D D
m Dy MDkv D D D D
D D D D P D D D D
R
kv D D D D D D D P
D D D D D D
D D D R k RDGUX Lm Dy M Dm Dy R
U P D@ p D PD D Dm D D D PD
Q D D D D PD D D ul yn’ Dshy D D D
D D D D D PD D
D D D D Dkv D D D
D D D D D D D
D D D D D R

VT

z D D kvl K Dw Dy L w Dy PUIJ RmR
w DKWPz Dj D Dh DhD DUIL MMD D DhwhD D
D D D R f O h hf O O O O
' hO hO O O O f U[DhRW DUXYPDUZT LkRj Rj RDU_[M
L D D D D DD@ D D D DA
D D DD D D D D D u-M
' hO hO ' ' Pj W DhRV DYYUDY] LLkRj Rj RDU_] ML D D D
D D D@ D D D D D D D
D D D D D RDA-MR D D D D
D D D D D D D D D
D D D D DDVTUXD DVTU[Pkvl D D
D D D D Dy QWX D Dy QIX D D D
D D D D D D D D R
j R kvl D D D D D D D D D
y QWX D Dy QIX - D D Dh D D Dm Dy D
h
kvl D D DVTU[Dj yl D D D
D Dy QWX D Dy QIX R§ D D D D D
DD D D D D D D D R
hD D D D D D D D
D D D D D D D D

R

VU

kv lD D D^{uhw} D D Dw D^{zk}PD^{uvwy}PD
 PD D PD Rp D D zuhw D D D
 D D D R p D Dm D^{zk}PD^{kl}
 D D D D D D D D D
 D D D D D D R O h hfk R^{GU}VLm D^{zk} M D^U
 L D[@]Q D D DA D D D D D D D
 D D D[@] D D DA D D D D D D D
 D D^{RM} W^{ML} D D D D
 D D D D D D D
 D R^R z P kvl D D D[@] DA D
 D[@] DA D D D D D D R U^U R^R
 w D^{KW}Ph D^h D^z D^j D D^ULRM
 p Pkvl D D D D D D D
 D D D^jyl D D D D D D D D^U
 § D D Pkvl D D D D
 D D D D D D D
 R R i PD D D D Pkvl D D
 D D D D[@] D DA D D D D D D
 D[@] D D D D D Dk R^{GU}VLm D^{zk} M
 D^{GU}RD^P D D D[@] D DA D D D D D P
 D D D D D D D^{Rz}R k R^{GU}[^U]
 j M U^L D^{kl} D P D[@] D D D D D^jv

[illegible]

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|------|-----|-----|-------|----|----|----|-----|-----------|---|----|-----------|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|---|
| kR | kvl | Dm | | D | Dw | | Il | | D | Dp | | D | D§ | Dy | D | Il | ul | yn' | | | | |
| z§hy | | | | | | | | | | | | | | | | | | | | | | |
| | kvl | D | | D | | D | D | | D | D | | D | D | | | D | Il | ul | yn' | Dz§hy | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | D | D | | D | | R | k | RDGUITXLm | | Dy | | MPD | Dm | RDy | RD | Il | D | L | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | D | | | D | | D | D | | D | | D | kvl | D | D | | D | | D | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| Il | ul | yn' | Dz§hy | MD | Il | ul | yn' | Dz§hy | D | D | Il | D | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | D | | | | D | D | | D | | PD | | | PD | D | | D | | D | D | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | D | | | D | | | D | D | | | D | | | RD | RD | Dm | RDy | R | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| U | Il | W | PD | R | p | D | D | D | | D | | D | D | D | | D | D | Il | D | D | DA | D |
| | | | | | | | | | | | | | | | | | | | | | | |
| | D | D | | D | | | D | | | R | R | v | D | D | PD | kvl | D | | D | D | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| D | | | DA | D | DD | | PD | D | | D | | | | D | D | | D | | D | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | D | | D | | D | D | D | | D | | D | | | | | R | | R | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| t | | D | | D | | | D | | D | D | D | D | | | D | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| l | ul | yn' | Dz§hy | R | | x | f | O | h | hk | RDGUITXLm | | Dy | | MPD | Dm | RDy | RD | Il | W | RDp | |

^x h D D Dkv l aDD@ l ul yn' DēshyD D D D D
D Dkj zRzj Rt PDkj zRzj Rs PDkj §Rzj Rt PDkj §Rzj Rs PDbj zRzj Rt PDbj zRzj Rs P
oj §Rzj Rt PD Dbj §Rzj Rs RDA Dk RDGUTXLm Dy MPD_l Dm RDy RDU_l [XID R RVY

PD_{kvl} D D D D D D D D D D

D
R

kvl D D D D D D D D
D D DI ul yn' D \$hyD D D D D D D
D D D D D D D D D D D R
l ul yn' D \$hyD D D D D D D D
D D D D D D D D D D D
D D D D D D R l ul yn' D \$hyD D
D D D D D D D D D D D
D R kvl D D D D D D D D D D
D D D D D D D D D
D D D D D D D D D D
R k D D D D D D D D D
PD D D D D D D D R

RDL D MR

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|----|----|---|----------|---|-------------------|-----|----------------|---|---|---|---|----------|---|---|----|---|---|---|
| § | | D | | D | D | RDD | § D | | D | | | PD | D | | D | | | |
| D | D | | D | D | | D | D | | D | D | | RDD | § | D | D | D | D | D |
| | D | D | Il wj hD | | Il ul yn' Dz\$hyD | | D | | D | | D | D | D | D | | D | | |
| | D | D | Q | | D | | D | D | | D | | D | | D | | D | D | |
| D | | D | D | D | | D | | D | D | D | D | Il wj hR | | | | | | |
| hD | | | D | D | D | D | | D | D | | | D | | | PD | D | | |
| D | PD | D | | D | | D | ul yn' Dz\$hyD | | | | R | - | | | | | | |
| | D | | Dkvl D | | Il ul yn' Dz\$hyD | | D | D | | | D | D | D | | | | | |
| | D | | D | | PDkvl D | | D | D | D | | D | D | D | | | | | |

[illegible]

VX

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|---|---|---|--|
| | $\mathbb{D}^{\text{ul}}_{\text{yn}} \mathbb{D}^{\text{sh}}_{\text{y}} \mathbb{D}$ | $\mathbb{P} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ | $\mathbb{R} \mathbb{R} \mathbb{P} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{R}$ |
| y | $\mathbb{R} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ | $\mathbb{D} \mathbb{D} \mathbb{P} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ | $\mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ |
| | $\mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ | $\mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ | $\mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D} \mathbb{D}$ |
| | $\mathbb{D} \mathbb{D} \mathbb{R}$ | | |

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|---|-----|----|---|---|---|---|---|---|---|---|----|---|---|---|---|---|---|---|---|
| | ppR | kv | l | D | m | | D | j | k | | p | | i | v | w | | j | l | |
| | | j | | | | D | | | | y | D | D | u | z | D | | | | |
| | p | D | | | D | D | | | | D | kv | D | | D | D | | D | | R |
| o | P | | D | | D | | | | | D | | | D | D | | D | D | D | R |
| — | D | | D | D | D | | | | | D | | D | D | | D | | D | D | D |
| | D | | D | D | | D | | | | D | | | D | D | | D | | D | |
| | | | D | D | | | | | | D | D | D | | | D | D | | D | D |
| | D | D | | D | D | | | | | D | kv | D | D | | D | D | | D | D |

§ 87(2)(b)

⁶ lul yn' D\$hyD D DD D D D D D
D PD D D D D D D D RP
h Pk RGD_WLuhmt D M D QIL DD@ D D
D l Dz D D D D D D D
D D BA MDk RDGNY\$ DJ MD DUWR

h D D PD D D D D D D D
D D DkvI DD D D D D
D D D D kvI D D D yI RDDm PD
m y D D D D D D PD PD P
D D D D D P DkvI
D D D D D R
hR § u y l z l D D s
§ D D D D D D D D
D D D D D D D D PD D
D D D D D R v D D D
D D D D D D D D
D D D PD D D D D PD D
D RDDkvI Dm y D R
§ D PD ID D D D DQ D
D P D D× § Rzj R D D× zRzj R R h D D
D D D D D D× zRzj R MD D D
D URUD – S PD D D D D D D
D RDD § D D D D D D D D D D× § Rzj R M
D D D D D D D D D D D D
D ZW PD D Q PD D D D a

VZ

o D D D D D R D D D PD D

D D D D D D D D D D D D

D D D D D D D D D D

D D D D D D D D D D D

D D a

| | | | |
|----------------------------|--|--|---------|
| j | w z IL - S M
[_Dm RDy R U P WP
§ DppRUL§ DppRML
×dD R WD D D D§kh
dDUD D M | u D IL - S M
[_Dm RDy R U P V P
§ DpRUL D×dD R W
D D D§khDUD
D M | w
y |
| oj §Rzj Rs
L D

M | TR YD D×DOKRUTdDUR W | TR D D×DURWdDUR X |] UR XI |
| o' vRzj Rs
L M | UR VD §khDOD R DdWURV | UR D D§khDOD R DdV_R] | TR TI |

§ D P D D D D D D D PD Q

PD D D D D D D D D D D D

D D D R D D D D D D D

D D D D D D D D D Q D

D D D D D D D R D D D

D D D D Q D D D Q DLo' vRzj RsMD D D D

D DLoj §Rzj RsMPD D D D D D D D D

D D D D D D D R D D D D D

D D D D D D D D D D D D

D R D PD D D D D D DLoj §Rzj RsD D D

D D D D D D D D D D D D
 D D DV D D D D R
 l D PD D D D D PD D D D D D D D
 D D D D D D D D D R
 h D D D o D D D D D
 D D D D a
 h DpD D D Dk D D D D D D D
 D D D D D D D D D D D D
 D D D D D D D D D PD
 D YD D D D D D D D PD
 D D D PD D D D D D D
 D D D R
 k RCGZVD D Q TLL D D R D R D L MR
 p D PLkvl D D D D D
 D D R D D D D D
 D Q D D D D D D D D D D D
 a
 i D D D D D D PD D D D
 Q D D D D D D D PD D Dp
 D D D D D D D D D D D
 D D D D D D D D D D
 D D D D D D D D D D
 D D D D D D D D R
 RD D Q ULL D D RD- D'kvl .MR

l p D D D D D Dj \$Rzj Rs L D PD D D P
 D D D M D D D D D PD D D PD
 D D D D D D D PD D D PD D
 D D R R ZV_YL M L M M R

kvl DD D D D D D D D D D D D D

D D PD DD @ EA D D D D D D

kvl DD D Q Q D Q D P D D D D D D

D D D D D D D D D D D D

D D RDkvl D D D D D D

D D D D D D D D D D D D

P D D D D D P Dkvl DD D D

Q R O O O hO ' ' PDWVhRWDVPLKIVLLWDJ R

VTIXMLnj D D D D D D D D D D D D

D D D D D D MR

h PD D D D D D D D D D Dkvl

D D D D D D Q D D D

D D D D R - Dkvl D

D PD D D D D

D D D D D D D D D D

D D D D D D D D D D

D D D D D D D D D D

RDJ PD D D D D D D D D D D

ZV_YL MWMLi MZWZL MMR

i R u Dp h Dm D Dz Dh Dk Du
 h D D Dw D D D D D
 kv l D D D D D D D D
 D D PD D D D Dm Dy D
 D D PD Dkv l D D D D D R D § D D D
 D Dkv l DD D D Du Dp Dh Dph D R D § Dph
 D D D D D D D D D D D Dkv l D
 D D D D D D D L D z D D D
 z Dh R D kv l DD D D D D Dz h D D
 D D D PD D D D L D D D
 MPD D D D D D D D k R R D G
 U T V L m § z k M D Dz D R V D D R D P k v l D D D D
 D D D D D D D D D D D D D D R
 R
 u D D D D D D D D
 D D D D D D D D a
 z D D D D D D D
 D D D D D D D D D D D
 D R D h D D v w y D D PD
 D D D D D D D D D D D v w y R D D
 D § R y j R D D PD D D D D
 D D D D L D M R L o P
 w D D § PD u R L Z V D D R D W M R o PD
 D D D D D D D D D D
 D D D D D D R L o w P D
 § PD u R L Z V D D R D W M R o D Dk D D D
 D D D D D Q D D PD D
 D D D D D D D Q D D D R

WU

Lk PD₁ RZUD D R₁ PD₁ RZUD D R₁ D
 D D D D D D D D D D D D
 D D D D RLo PDw D
 § PD₁ RZVD D R₁

k R₁ Lm Dy M₁ m R₁ R U P[TL D MR

kv₁ DD D D D D D D D D
 D D D D D D PD D
 D PD D D D D D D D a
 kv₁ D D D D D D D D D D
 D D D D DD D D D D D D
 D D D D D D D D R
 o P kv₁ D D D D D D D D
 D D D D D D D D D D D
 Duph₁ Dm P kv₁ D D D D D D D
 DD D D D D D D D D D
 D PD D D D D D Q D
 R

P U P[TL D MR

kv₁ DD D D D D D
 D D D D D D D D D a
 z D D D D PD D D D D D
 D D D D D D D D D D
 D D D D Rk D D D D D
 DVID D D D D D D D D D D
 D D D D“ ... D Rk PD₁ RZUD D R
 WVD₁ D D D D D D D D D
 D D D D D D D D D
 D R₁ D₁ PD₁ R₁ D R₁ D
 D D D D D D D D D D
 kv₁ PD D D D D D D D D
 D D D D D D D D PD₁ RZVD D R₁

o D D D D D D D D D D
 PD D D D D D D D D
 D D R Lo PD₁ R₁ D R₁

B O k RGGZQUUL\$ D M DWL a\$@D D D
 D D D D D D R D D D D D PD
 D D D D D PD D D D D D D MR
 kvl DD D D D D D D D D kvl D
 D@ aA
 kvl D D D D D D D D D D
 D D D D D D D IL D D D
 PD D D D D D D D D D
 D D D D D D R kvl D D D D
 D Dyl D D D D D D D D D
 D D D D D P kvl D D D D
 D D D D D D D D D
 \$zs D D D DD R
 k RGGUTXLm Dy MPD_Dm R Dy RD UfE[T D MR
 h PD D D D D PD kvl D D
 R kvl D D D D D D D D D RDp
 D D D D D D D D D D D
 D D D D D D D D D D D D kvl
 D D D D D D D R RDh D D D D
 D DD D D D D D D D D D
 D D D D D D D D D D D
 D D D D R P h P 'O hO PD[Z]
 nRV DWYPDW/TQUULkRj RU_]YML kvl DD D D D
 kvl D D D D D D D D D D
 DD D D D D D D D D DA D D
 MR

WW

t PDKvl D D D D D D
 D D D@ DA D D DD D R
 k RGGUIXLm Dy M_Dm R Dy R U P[TRDKvl D D@ DD D
 D D D ID D D D D D D
 D RDA g f ZYZDhRWD D][DL O PKZW R R
 XWR j D D D D D@ D DA D D D D D D
 R' hO hO- O hOO -f]] Y mRV DVWPDVZYLY D RDU]_M
 D whD D D D D D Q D D
 PD D D Q Q D D D PD D
 D D D whDD D D D D D D D@
 D D D D DA M D D D D D D D
 D@ DA D D D D D D D D D
 D D D R D D D D D D@ D PDA D D D
 D D D D D m Dy D D D D D D
 R
 p D D D D D DD PD D D D
 D D D D D D D RDKvl D
 D D D D D D D D
 D D D D D D D D
 D D D D D D RDKvl DD D D
 DD D D D D D D R

VX

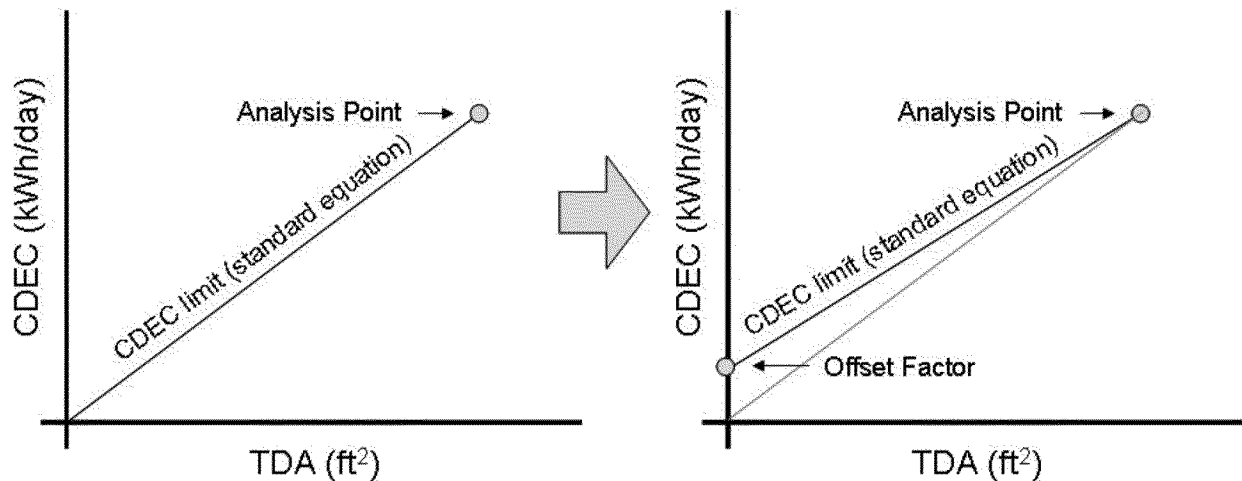
[illegible]

⁹ § D D D D ul yn' D \$hy D D D D D D D D D D D D
D D D yl D D D PD D D PD D D D D D D
pphP D ul yn' D \$hyD D D D D D D D D D D D
D PD Dkl D D D D D D D D D D D Rk RG
ZYQVQXL § D D D D D D D D D D D D
Dkl D D D D Q ul yn' D \$hyD MR

[illegible]

¹⁰ — D D D D D D D D D D D D Pkvl D
 D D D DD@ D D D D D D RDAQDEL§RDGZY
j MD DL Lk RDGPITZMDLw Db D§ MD DL MR

h Pkvl D D D D PD PD PD D
D D D D D D D D D
kvl DD R § D D D D D D D R
t PD D D D D D D D D
D D Dkvl PD D D D D Ry D Dm Dy D
D D D D D D R
hR l p D u z z w D D D - D Dy l D h
h D D PD D D D D D D D D D
D D R b k R D D L § zk M D D D § D
D D D D D D D D IL
D@ D D A D D D D M D D@ D A D D D D D D R
§ D D D D D D D D D D D
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RD §zk D D PDm D R RULp D Dv Dm D D §khD D
u D MR § D D D D D D D D

D ID@ D DA D D D D D D PD D PD D
 D R
 j P D DkvI D D D D D D D
 L MPlkvI D D D D D D D D R R p
 D D PD D D D D D P
 D D D D D D D D D
 D D D D D D
 D D D D D R k RGD] R k RGD
] ILm Dy II Dz MR
 § II Dz D D D D D D D PD
 D D P D D D D D D D
 D D P D D D D D D
 D D D D RU RDS Dz D D D D D
 D@ DA D D D D D D D R p D P
 D D D D D DkvI D D D D
 D D R R u PlkvI D D D D D
 D D D PD D D D D D D
 D D D D D D D RGDk RGDUTVILm D§zkM
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¹¹ h D PD D l z ILk RGD] MDDUM v
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k RDG UTX Lm Dy MP [_ m RDy RD UI PXYR DOE uses only current technologies in its Screening Analysis. *See id.* at 17,767 (DOE agrees with Structural Concepts that existing technologies should be the basis of it engineering analysis, and has considered only currently available technologies in that analysis.). For compressors, DOE did not consider how they actually perform today, but instead screened-in a design option that assumed that compressors could achieve a two percent increase in efficiency. *See id.* at 17,760. This assumption was based on the statement by one compressor manufacturer, Danfoss: DOE implemented the suggestion of Danfoss which stated that a 2% increase in performance over today s standard offerings is attainable. *Id.*

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k RDG UTX Lm Dy MP [_ m RDy RD UI PXYR DOE uses only current technologies in its Screening Analysis. *See id.* at 17,767 (DOE agrees with Structural Concepts that existing technologies should be the basis of it engineering analysis, and has considered only currently available technologies in that analysis.). For compressors, DOE did not consider how they actually perform today, but instead screened-in a design option that assumed that compressors could achieve a two percent increase in efficiency. *See id.* at 17,760. This assumption was based on the statement by one compressor manufacturer, Danfoss: DOE implemented the suggestion of Danfoss which stated that a 2% increase in performance over today s standard offerings is attainable. *Id.*

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 D PD D D D D D
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 D D f kvI D D D D D
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 h kvI D D D D D D D D R
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Case Nos. 14-2147, 14-2159 , and 14-2334 (consolidated)

***IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT***

ZERO ZONE, INC., AIR-CONDITIONING, HEATING AND
REFRIGERATION INSTITUTE, AND NORTH AMERICAN
ASSOCIATION OF FOOD EQUIPMENT MANUFACTURERS ,

Petitioners,

v.

UNITED STATES DEPARTMENT OF ENERGY, et al. ,

Respondent s.

**ON PETITION FOR REVIEW OF A REGULATION OF THE
UNITED STATES DEPARTMENT OF ENERGY**

Agency No. EERE -2010-BT-STD -0003

**REPLY BRIEF OF PETITIONER NORTH AMERICAN
ASSOCIATION OF FOOD EQUIPMENT MANUFACTURERS**

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82 F.3d 708 (7th Cir. 1996)..... | 8,9,15,16 |
| Statutes | |
| 5 U.S.C. § 603(c)..... | 25..... |
| 5 U.S.C. § 604(a)(6)..... | 25..... |
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ARGUMENT

I. INTRODUCTION

DOE's Response Brief reflects the overall problems and concerns that NAFEM has experienced throughout the CRE rulemaking; DOE recasts valid industry comments, dismissing them as superficial minutiae even though closer inspection reveals that DOE's work product (despite NAFEM's and its members' substantive comments throughout) lacks the level of expert analysis necessary to justify the highly technical CRE rulemaking. In each instance, a more detailed analysis exposes DOE's unreasonable or arbitrary conclusions. Thus, this Court should vacate DOE's final CRE standards or, in the alternative, remand the rulemaking back to DOE. For example:

1. DOE knew that EPA was working to ban certain commonly available refrigerants, including the only two that DOE needed to develop new energy efficiency standards. It dismisses NAFEM's assertions as speculative and irrelevant, dismissing EPA's ongoing rulemaking. Conversely, DOE's response is a mix of arbitrary conclusions about acceptable/unacceptable information, a misunderstanding about alternative refrigerant research/available information, and failure to acknowledge that even EPA's predictions are based on an analysis that directly conflicts with how DOE's standards are set.
2. With regards to ENERGY STAR, DOE ignores the practical realities of how ENERGY STAR technology advances and new CRE rules would interplay in the market.
3. DOE has failed to explain how energy savings would result from standards that encourage use of less energy efficient products. DOE refuses to admit that certain smaller volume product standards incentivize production of less energy efficient equipment. DOE similarly ignores and refuses to evaluate the effects on the marketplace the significantly more stringent standards will have for certain product categories.
4. DOE's engineering spreadsheet places arbitrary constraints on manufacturers' ability to use it and prejudiced the public from providing

meaningful comments that could have helped DOE ensure an appropriate reality check for its standards

5. DOE has failed to cure inconsistencies raised by NAFEM and its member companies during the rulemaking regarding corrections to DOE engineering spreadsheet:
 - a. DOE refuses to provide any meaningful validation of its engineering model despite the challenges raised about real-world applicability.
 - b. DOE ignores information in the record that justifies more appropriate product categories while failing to explain illogical offset factors for certain existing categories.
 - c. DOE relies on unsubstantiated assumptions to arbitrarily predict future compressor energy efficiency.
 - d. DOE continues to fail to understand and correct significant potential loss of utility for certain product lines by forcing new products to incorporate increase insulation thickness
6. DOE misapplies its governing statute to assert that it was limited in its ability to consider the type or range of small business impact -lessening alternatives mandated by the Regulatory Flexibility Act. But in fact, those assertions simply expose DOE's cursory, and inadequate effort to comply with the RFA.

NAFEM also adopts the arguments in the reply brief of Petitioners Zero Zone, Inc. and AHRI. Additionally, NAFEM concurs with their analysis of and conclusion that the court should strike the amicus brief filed by New York University Institute for Policy Integrity as it is an improper submission.

II. DOE ILLOGICALLY DISMISSES CUMULATIVE REGULATORY BURDENS

NAFEM demonstrated that DOE was aware of , but specifically concluded to dismiss, two important cumulative regulatory burdens directly impacting the viability and justifications for the final standards. See NAFEM Br. at ¶ 1. DOE's brief essentially repeats reasons for dismissing impacts associated with

the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) rulemaking that limits future availability of the *only* two refrigerants DOE modeled for the CRE final standards, or for considering important technologies and data related to EPA's and DOE's joint ENERGY STAR program. See DOE Br. at 20-24. In fact, DOE's brief raises more ~~ques~~ than it answers regarding its decisionmaking.

A. DOE Illogically Blinded Itself to EPA's SNAP Rule and Obvious Impacts.

NAFEM's opening brief set forth facts and analyses regarding DOE's extensive knowledge about and disregard for other rulemakings within the Executive Branch that directly conflict with DOE's understanding of the regulated community, refrigerant availability/performance and the viability of its CRE standards. NAFEM Br. at 18 -22. NAFEM referenced appropriate comments, data, and related submissions that DOE should have considered before finalizing the CRE rule.¹ In particular, NAFEM questioned DOE's inexcusable decision not to model alternative refrigerants, knowing that the only two modeled refrigerants were subject to being banned by EPA, DOE's sister agency on many matters.

DOE's response is a confusing mix of seemingly random conclusions that boast about the agency's technical expertise but actually contains no underlying substance this Court can rely upon. In essence, DOE ignores EPA's SNAP rulemaking, refusing to predict trends in the refrigerants market, then claims it was handcuffed by the industry's failure to provide necessary information from

¹ 80 Fed. Reg. 42,870 (July 20, 2015).

which it could model any other refrigerants other than R34a and R -404a. DOE Br. at 20. In fact, DOE had more than adequate notice regarding EPA's intent and the record reflects it had as much information about alternative refrigerants as the industry possessed at the time.

1. DOE clearly was on notice that ~~then~~ only two refrigerants modeled in the CRE rule were on EPA's chopping block

DOE clearly was on notice that EPA was working to ban future use of common refrigerants such as R134a and R -404a (the only two modeled by DOE). NAFEM Br. at 1821. A reasonable response to such notice, for an agency boasting about its highly technical capability should have been to model one or several of the alternative refrigerants that DOE otherwise asserts were available even if it lacked information about them. DOE blames NAFEM for failing to suggest what data should have been used. DOE Br. at 14, 21. But NAFEM had provided all of its information about the current market availability (or unavailability) of alternative refrigerants and had raised concerns regarding impact on energy efficiency related to conversions away from R -134a and R -404a. See e.g. NAFEM Br. at 22. NAFEM is not duty-bound to perform DOE's research for standards setting

Now, DOE claims that modeling other refrigerants was impossible because it lacked appropriate data. Setting future energy conservation standards based solely on refrigerants that soon will be unavailable, while claiming it lacks information to appropriately review alternative refrigerants without then delaying final agency action until such information becomes available, hardly warrants deference as considered judgment.

2. The Government flip-flops on whether European data about alternative refrigerants are useful.

NAFEM identified comments that reveal the negative impacts on energy efficiency from converting to alternative refrigerants, including information from European manufacturers that already had started making such conversions. NAFEM Br. at 22. But DOE now states that it does not accept European data or research due to a number of factors driving the basic design of the equipment (including voltage and frequencies) that DOE asserts makes such comparisons irrelevant. DOE Br. at 21. Refrigerant conversions do require ancillary modifications to some components (such as compressors, blowers, etc.). But, when making refrigerant conversions based energy efficiency comparisons for a product for use within a single market, electrical energy source, voltage or frequency is constant and thus irrelevant. DOE ought to be able to ascertain important information from the redesign of a product in Europe that is converted to an alternative refrigerant regardless of the electrical system that runs the product. Certain products also are manufactured for use in both Europe and the U.S. because they contain internal voltage and frequency converters. Hence, European experience is highly relevant and probative, especially when it demonstrates that energy efficiency is negatively impacted by refrigerant conversions as set forth in NAFEM's comments to DOE.

After discounting EPA's SNAP rulemaking in one paragraph of its brief DOE then relies on EPA's SNAP preamble, taken out of context, to prove that banning R-134a and R-404a, according to EPA information that shows promise, will

actually improve energy efficiency DOE Br. at 22 (quoting EPA's SNAP rule (80 Fed. Reg. at 42,921)). DOE boldly implies to this Court that while it did not have appropriate information to model alternative refrigerants before setting its final standards, EPA somehow has obtained sufficient information that now vindicates DOE's prior conclusions. DOE's brief first dismisses the entire SNAP rulemaking but then twists it to conveniently confirm its prior speculations that alternative refrigerant conversion does not justify additional modeling. The facts do not support that conclusion, nor does DOE's brief offer any credible defense.

In fact, EPA's SNAP rulemaking reveals the fundamental and continuing problems with DOE's conclusions. First, in its proper context EPA's quote is contained in a discussion relating to EPA's practice to include energy efficiency in its risk analysis EPA understands that:

[E]nergy efficiency of any given piece of equipment is in part affected by the choice of refrigerant and the particular thermodynamic and thermophysical properties that refrigerant possesses.

80 Fed. Reg. at 42,921.

Next, EPA's primary docket citation for the quote DOE cites regarding the energy efficiency improvements was a comment letter submitted to EPA by the partisan advocacy group that originally petitioned EPA for a rulemaking in hopes it would ban refrigerants, such as R-34a and R-404a. *Id.* (primary citation EPAHQ - OAR -2014 -0198 -0134).² Further, most of the examples of refrigeration equipment

² That advocacy group, Environmental Investigation Agency, Inc. has as one of its principle goals to focus on phasing out, and ending illegal trade in, industrial gases that act as global warmers and deplete the Earth's protective ozone layer. <http://eia-global.org/campaigns/hfcsuper-greenhouse-gases> (last accessed August 18, 2015).

at least that which most closely resembles equipment produced by NAFEM members referenced in that comment letter were designed and sold in Europe or abroad and otherwise fall into DOE's new category that does not provide sufficient information to support further analysis. DOE Br. 23.

EPA also explains that its assertions regarding improved energy efficiency for replacing R404a are based on theoretical and prototype testing of equipment on a statewide basis and not on individual refrigeration products. 80 Fed. Reg. at 42,922. EPA states that predicted energy efficiency of alternative refrigerants to R404a decreases for low-temperature equipment, but research shows energy efficiency can improve for medium-temperature equipment. And, because EPA assumes that individual supermarkets employ more medium-temperature equipment than low-temperature equipment, average energy efficiency for the supermarket as a whole is expected to improve. But DOE's standards do not allow for companies to average their energy efficiencies across product lines; each piece of equipment must separately meet DOE's energy efficiency standards. Therefore, EPA's predictions are irrelevant to the CRE rulemaking and DOE's reliance on that single quote lacks credibility.

3. DOE should have modeled more appropriate refrigerants to set the new CRE standards.

All of DOE's responses to NAFEM's brief regarding its understanding about and refusal to address conflicts created between its CRE rulemaking and EPA's SNAP rulemaking lack merit. Further, closer analysis of DOE's assertions and *post hoc* references to EPA's SNAP rulemaking demonstrate the lack of substance. DOE's assertion that industry failed to provide relevant evidence is false and misplaced. In fact, commenters have provided DOE with extensive data, insight and technical expertise in response to the agency's repeated requests to manufacturers for relevant information. DOE. *Id.* 23.

DOE discredits the specific information that NAFEM and its members provided for arbitrary reasons (e.g., DOE will not accept information that came from experience/research in Europe, but will quote EPA's conclusions based on the same or similar information). DOE improperly cites *USA Group Loan Servs. v. Riley*, 82 F.3d 708, 713-14 (7th Cir. 1996) (quoting *Mbrales v. Yeutter*, (952 F.2d 954, 960 (7th Cir. 1991))) repeatedly throughout its brief for the general proposition that if industry objects to parts of a proposed rule, it also must provide the requisite evidence for the agency to fix its proposal, implying that DOE could propose anything and the burden then shifts to industry to fix the entire proposal and live with the consequences. That is not the law in *USA Group Loan Servs.*, nor in the

³ DOE's reliance on *Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F.2d 506, 547 (D.C. Cir. 1983) is misplaced. That case and the quote relied upon by DOE analyzes whether an agency rulemaking has provided adequate notice and does not address whether industry has a duty to supply evidence in response to that notice.

related quote from *Mbrales*. Specifically with regard to the quote from *Mbrales*, this Court was analyzing how it might weigh criticisms of an agency's proposed rule when the moving party withholds or fails to provide evidence that it has or could readily obtain but that might be unavailable to the agency (The plaintiffs [sod farmers] would be on solid ground if they had submitted statistics concerning fluctuations in the number of seasonal workers employed by sod farmers.).*Id.* NAFEM and its members provided extensive data and comments that DOE ignored or dismissed at its peril.

A case that firmly establishes an agency's obligation to justify its final standard of performance is *National Lime Ass'n. v. Environmental Protection Agency*, 627 F.2d 416, 443 (D.C. Cir. 1980) (EPA must affirmatively show that its standard reflects consideration of the range of relevant variables that may affect emissions in different plants.).

DOE's brief is a mix of irrelevant, unsubstantiated and inapplicable statements about energy efficiency in EPA's rulemaking; the same one it dismissed as

speculative. At best, DOE's response is confusing, if not contradictory. In any case, it does not reflect the type of considered judgment that commands court deference, but rather arbitrary decisionmaking that instead warrants vacatur or remand with a stay of the rule's effectiveness until these issues are fixed

B. DOE Similarly Ignores ENERGY STAR as a Source of Innovative Energy Efficiency Technologies and Research in the U.S

ENERGY STAR is a joint DOE/EPA program that uses third-party certification and on-going testing protocols to create significant energy efficiency technological

innovation and environmental protection.⁴ After 20 years of development and implementation, ENERGY STAR is a powerful American market driver, and, despite DOE's aspersions, it is voluntary pretty much in name.⁵ ENERGY STAR represents the best of the best by mandating that new, more stringent ENERGY STAR energy efficiency standards be developed as soon as 25 percent of the existing units in the marketplace achieve ENERGY STAR efficiency standards.

But DOE dismisses ENERGY STAR as having no bearing on its rulemaking process as a source of information for technological feasibility or economic justification. See DOE Br. at 26. DOE fails to recognize the value in comments by NAFEM and its members regarding lessons learned and important technological considerations based on ENERGY STAR that reflect important energy efficiency realities. See NAFEM Br. at 23-25.

III. DOE'S ECONOMIC ANALYSIS IS DISMISSIVE OF MARKETPLACE COMPLEXITIES

A. DOE's Failure to Evaluate Potential Counterproductive Incentives was Arbitrary and Capricious

DOE relied upon an narrow approach of analyzing a theoretical one-size-fits-all unit that leads to absurd results. DOE responds to NAFEM's demonstration that

⁴ See <https://www.energystar.gov/about/> (last accessed August 14, 2015) (Through December 2013, ENERGY STAR related energy efficiency certified products/technologies have prevented more than 2.1 billion metric tons of greenhouse gas emissions at a savings of \$295 billion.)

⁵ *Id.* (Of the households that knowingly purchased an ENERGY STAR certified product, about 79% credited the label as an important factor in their decision. The latest Good Housekeeping internal reader audit shows that at 92%, ENERGY STAR is now tied with Good Housekeeping in terms of brand influence.)

⁶ See e.g. Commercial Refrigerators & Freezers Specification Version 3.0 (http://www.energystar.gov/products/spec/commercial_refrigerators_freezers_specification_version_3_0.pdf) website last accessed August 14, 2015.

DOE standards irrationally allow greater energy use for those [units] with solid doors versus those with transparent doors (see DOE Br. at 27), by accusing NAFEM of arriving at that conclusion by inserting into the energy conservation standards formulas for the selected equipment classes a volume (7 cubic feet) that is not representative of commercial units in the market. *Id.* at 32. DOE recognizes, that [u]nder the revised standard level the allowed energy use of the solid-door unit in NAFEM's example does not exceed that of the transparent-door unit until the volume of the units is reduced to 10 cubic feet. *Id.* at n.6. DOE amazingly concludes that 10ft³ units are not representative of commercial refrigeration equipment actually on the market. *Id.*

While there are many larger models in the market, there are a significant number of 10ft³ models that serve an important role in the market both now and at the time of the rulemaking.⁷ NAFEM is not trying to skew the data as DOE has aspersed; it is trying to get DOE to recognize the complexity of the industry that it is regulating and the ramifications of DOE not understanding the impacts of its rules is significant

⁷ DOE maintains its own Compliance Certification Management System, or CCMS, database. This is the database into which manufacturers are required to input its certification of compliance with CRE rules for each of the models it offers in the marketplace. As of August 1, 2015 roughly 20% of all products listed in the Equipment Classes VCT.SC.M and VCS.SC.M are under 10ft³, with many at approximately 7ft³. See downloaded search results for Refrigeration Equipment !! Commercial, Single Compartment available at <http://www.regulations.doe.gov/certification/data/CCMS-81578120193.html> (last accessed Aug. 11, 2015). Commenters urged DOE to review this data before promulgating a new rule. See n. 11, *infra*. Moreover, the ENERGY STAR database that would have been available during the time of the rulemaking would also have shown a number of models that were 10ft³ or less.

DOE states it established the baseline design specifications by:

reviewing available manufacturer data for equipment models offered across the range of available units within a given class. DOE focused this review on units exhibiting sizes and design characteristics that DOE had found through its market research to be most representative of the highest shipment volume offerings at the baseline for each equipment class analyzed.

Doc. #102, Final TSD at 514 ¶5-15. DOE gives no further information about why certain sizes are most representative //i.e. they never say [x]% of the marketplace has products in this category at [y] internal volume. DOE only analyzed the rule using what it determined was a representative unit. It refused to consider various sized units, only a single theoretical representative one.

In sum, the problem is that vertical, ~~sealed~~ contained refrigerators with volumes of 10ft³ or less, are allowed more energy use if they have solid doors than if they have transparent doors, an absurdity that DOE refuses to admit is evidence of a flawed rulemaking process. As NAFEM stated in its Opening Brief, this reflects a 63% reduction in energy allowed for transparent doors. NAFEM Br. at 278. This will be very difficult to achieve and will incentivize users to repair existing models or move to other cabinets, such as open cabinets, with higher overall energy use. DOE cannot properly carry out its statutory duty to evaluate whether actual energy savings will result from the new standards when it does not evaluate potential perverse incentives that could affect an unspecified number of units in this category. For example, if these small units are 49% of the marketplace, maybe DOE would not consider it representative but that would certainly happen in im on whether energy savings actually result or that maximum energy efficiency is

achieved. The bottom line is that transparent doors serve an important function in the marketplace, but DOE's rules promote solid doors that will require more opening and closing. . and energy loss.

DOE's dismissal of these smaller capacity models in the marketplace without any analysis or discussion is astounding. This is especially true when this incentive did not exist under the previous rule, did not exist under the proposed rule and does not exist under ENERGY STAR.⁸ Using the 2010 standards, transparent doors were allowed more energy use than solid doors, as one would expect. See NAFEM Br. at 27 (table showing allowed energy use comparison between 2010 and 2017 standards for transparent and solid doors). One gets the same results from applying the proposed standards for these equipment classes. See 79 Fed. Reg. 17734 at Table II.3. Additionally, DOE/EPA make allowances for these smaller size cabinets under ENERGY STAR, which avoids the problem created by DOE's CORE rules. See NAFEM Br. at n.9.

It is arbitrary and capricious for DOE to not evaluate the effects on energy savings calculations from the perverse incentives provided by the new regulations for this product category.

⁸ In fact, DOE is challenged in arguing that these final standards are a logical outgrowth of its proposal or that it provided industry with appropriate notice when industry never had an opportunity to identify or comment on this absurd result.

B. DOE Failed to Properly Evaluate Customer Behavior by not Considering Equipment Substitution

NAFEM has effectively asserted that DOE did not account for changes in customer purchasing behavior and potential interactions between product categories. DOE's response is inadequate.

First, NAFEM has demonstrated that some energy use reductions are so substantial that they encourage continued use of older or otherwise less energy efficient models (see NAFEM Br. at 27-30). In response, DOE assumes that end-users will conduct sophisticated cost/benefit calculations concluding that such predictions regarding the actions of regulated entities are precisely the type of policy judgments that courts routinely and quite correctly leave to administrative agencies. Resp. Br. at 27 (citing *Public Citizen, Inc. v. NHTSA*, 374 F.3d 1251, 1260-61 (D.C. Cir. 2004)). It is not, however, the actions of regulated entities that are at issue here; the end-users, or customers, are not the regulated entity. NAFEM's key point is the effect on customers and the choice the public would make based on the impacts on price and availability of new products that meet DOE's final standards. DOE never evaluated the effects its regulations would generate in customer behavior; it just assumed an outcome that it otherwise cannot demonstrate is reasonable. See NAFEM Br. at 31-34.

Second, DOE failed to address issues regarding interactions between product categories (see *id.*), and instead provides a *post-hoc* rationalization the fact that equipment utility is the primary driver of consumer decisions regarding equipment

type serves to limit the likelihood of product substitution. DOE Br. at 31. There is no information to support that statement in the record. NAFEM has raised and briefed the issue, and until its brief DOE has repeatedly stated it did not have sufficient information. See NAFEM Br. at 31 -34.

Even DOE's *post-hoc* rationalization does nothing to rehabilitate the unreasonable outcome created by the new standards for horizontal freezers that now would encourage open top units instead of more energy efficient transparent doors. Those models with transparent doors are now subject to standards that are almost 82% more stringent than before, while open tops are only reduced by less than one percent. NAFEM Br. at 28. DOE's response is to point out that the baseline for these classes were established at different times and through different process. DOE Br. at 6. But that response shows a lack of understanding that its illogical outcome for horizontal freezers moving forward will focus on producing and selling more open top units due to significantly lower cost, even though promoting transparent door models would result in significantly higher energy efficiency benefits. See NAFEM Br. at 29 -29.

Moreover, DOE erroneously relies on *USA Group Loan Servs.*, 82 F.3d at 714, for its position that NAFEM should supply DOE with data to support comments regarding interactions between product classes. In that case, the government prescribed: regulations applicable to third party servicers . . . to establish minimum standards with respect to sound management and accountability related to student loans. *Id.* at 711. The servicers argued unsuccessfully that the

government should have conducted or commissioned studies on the challenged portions of regulations would have on the servicers, the entities that are the actual target of the regulations^{Id.} at 714. In contrast, NAFEM, and other commenters, are arguing that DOE needed to consider the behavior of customers, the end users of the product, not the manufacturers who are the target of the regulation. DOE made unjustified and irrational assumptions in its National Impacts Analysis and it cannot blame NAFEM for the agency's inability to document appropriate reasons. See NAFEM Br. at 33 -34.

Finally, DOE blames NAFEM for not demonstrating that a less stringent standard would result in greater overall energy savings as a result of the substitution effects^{Resp. Br. at 27}28. This is misdirected. The statute dictates DOE must demonstrate that its proposed standards result in overall energy savings and that responsibility cannot rationally be shifted to NAFEM. 42 U.S.C. § 6295(o)(1). DOE cannot make its demonstration, the statute prohibits DOE from promulgating such a rule. 42 U.S.C. § 6295(o)(3).

IV. DOE'S ENGINEERING ANALYSIS IS FLAWED

The DOE's flawed engineering analysis resulted in arbitrary and capricious standards.

A. Overall Utility of the Engineering Analysis

DOE asserts that NAFEM misunderstands the engineering spreadsheet's purpose and operation. Conversely, NAFEM understands the complexities and ramifications that DOE would rather gloss over. DOE created a single

representative unit with a precise total display area or volume and then altered component characteristics to predict energy use at varying technical standard levels. See DOE Br. at 39. DOE attempts to limit comment on the spreadsheets to an exercise essentially checking DOE's math. Manufacturers, on the other hand, assert that the true value of the spreadsheets (that derived the final standards) is in putting real world values from their products to see if they will meet the standards. DOE's prohibition to allowing that process or engaging in such a dialogue was prejudicial to NAFEM's members. See DOE Br. at 38.

Having access to a single equation for allowed energy use in each category is not sufficient information or notice. See DOE Br. at 40. Regulated entities are handcuffed in assessing a product's energy efficiency if they cannot input real world and varied component information based on the size, volume, temperature, etc. DOE used the spreadsheet to calculate energy for its chosen theoretical representative unit; regulated entities should likewise be able to use it to evaluate their actual products.

DOE only agreed to industry demands after the comment period closed. See NAFEM Br. at 39. Moreover, DOE's response to comments inherently requires that manufacturers perform this exercise in its efforts to placate concerns regarding its choice of screened-in technologies to include increased insulation thickness, DOE states that product modifications other than increasing insulation thickness may be used to reach the new allowed energy use standards. See section IV.E., *infra*. Without being able to fully manipulate the model, regulated entities were

prejudiced and not able to provide full meaningful comment on the insulation issue by not being afforded the opportunity to evaluate what this would mean for their products and how and if energy efficiencies could be ensured through sufficient changes in the other components⁹.

B. Validation

DOE's statement that NAFEM errs in suggesting that DOE was required to validate the results of its engineering spreadsheet lacks credibility or integrity DOE Br. at 40. Commenters criticized the engineering model and its dependence upon only theoretical constructs, its flawed assumptions about the technologies incorporated therein (e.g. compressors and insulation), and its inapplicability to real-world products. See NAFEM Br. at § III.B. DOE errs in rejecting key holdings that agencies must validate their models where underlying assumptions and applicability to real-world situations are questioned. See *BOCA Appeal Group v. EPA*, 355 F.3d 817 (5th Cir. 2003) (upholding use of model when a battery of validation tests performed addressed the concerns that the air model both under and over-estimated ozone levels); see also *Columbia Falls Aluminum Co. v. EPA* (139 F.3d 914 (D.C. Cir. 1998) (disapproving agency use of model when the test used to determine waste treatment standards did not reflect actual conditions)).

⁹ DOE references a few commenters that addressed the engineering spreadsheet to show entities were not prejudiced by the late timing of DOE releasing it for public review (DOE Br. at 38), but this ignores that one of these very comments stressed to DOE that they were only based on a limited review. See Doc. # 65-A1, Traulsen comments at 2 (A limited review of the DOE's CRE_Engineering_Spreadsheet has found a number of errors in the evaluations which place the values of identified technologies used for the various tiers in question.).

DOE's Response Brief and its general assertion that it subjected a number of models and found they were in agreement is not a valid, reasoned explanation response to the particular concerns raised by commenters. *Compare BOCA*, 355 F.3d at 834. It is arbitrary and capricious for DOE to rely on a questioned model without appropriate validation.

C. Equipment Classes and Offsets

NAFEM clearly identified that the existing equipment classes do not account for the varying functionality within the given classes. See NAFEM Br. at III.C.1. For example, DOE did not analyze cabinets that have reach-in and pass-through capabilities.¹⁰ *Id.* at 44; see also Doc. #65-A1, Traulsen Comments at 12 (Traulsen believes that, with respect to the currently defined classes of equipment structure used by DOE in its analysis, that there are subcategories of equipment types DOE failed to adequately take into account, including upright units (1 and 3 section; Reach-In; Pass-Thru; Roll-In; and Roll-In / Pass-Thru) and under-counter units (categorized by length in inches and application.)). Traulsen provided detailed analyses for product subclasses were not properly addressed by the categories offered by DOE, and Traulsen even proposed standards for alternative subclasses. Doc. #65-A1, Traulsen Comments at App. B. DOE dismissed those comments and that it had properly accounted for all product types; assertions that are clearly contradicted by the administrative record. *Id.*, DOE Br. at 42.

¹⁰ NAFEM also points out that the product categories do not account for the performance differences that occur with smaller volume products. See section III.A. *infra*. Either of these functionality or size characteristics could be used to develop representative product categories.

DOE never directly addresses issues regarding functionality that were posed by commenters in the administrative record and reiterated by NAFEM. *Id.* at 44. DOE has not answered concerns regarding how pass-through and reach-in cases, among other subclasses, are accounted for in its standards development process.

DOE's only substantive response to NAFEM's concerns about product classifications and associated offsets is repeat that it created forty-nine classes which should be enough. DOE's logic is flawed because having a multitude of product classes does not mean DOE has established or properly assessed appropriate product classifications. DOE Br. at 42. DOE's alternative response is to claim nobody has previously challenged its classifications or designations in prior rulemakings. DOE Br. at 42-43. Absence of past legal challenge is irrelevant to *this* rulemaking and this petition for review.¹¹ Here, DOE has not properly evaluated its thirty-eight product classes used in its 2009 rulemaking and the eleven classes from the Energy Policy Act of 2005.

In addition, this rulemaking demands much more stringent and advanced technologies and it is critical DOE explain how it finalized the offset numbers for each specific classification in this rulemaking. DOE's reliance on the weight of history (DOE Br. at 43) and its unsupported beliefs in developing new standards is arbitrary and unsupported. See NAFEM Br. at 44-45.

¹¹At least one commenter urged DOE to evaluate the success of the 2009 energy efficiency targets for various categories before it promulgated new standards. See Doc. # 65-A1, Traulsen comments at 2 (The results of the last MDEC targets have not been properly validated for success against current MDEC values due to the delay in the availability of the DOE certification website. Even referencing other public regulatory databases of common products leaves the majority of secondary product class CRE undocumented and unknown. The scope was expanded without empirical data to support such a change.).

DOE also fails to substantively respond to NAFEM's assertion that the offsets are illogical when compared between categories. See NAFEM Br. at 43 (showing that DOE has set the offsets for self-contained refrigerators and freezers to be virtually identical). For a self-contained refrigerator, a transparent door model has an offset factor that is approximately 50% smaller than a solid door model. 79 Fed. Reg. at Table I.1 (comparing VCT.SC.M and VCS.SC.M). But remote refrigerators with transparent doors are afforded an offset that is seven times higher than for solid doors. 79 Fed. Reg. at Table I.1 (comparing VCT.RC.M and VCS.RC.M). Whether a product is self-contained or remote has no impact on the relative energy efficiencies of transparent versus solid doors. This outcome is entirely illogical and DOE is mute when asked to justify its arbitrary and capricious conclusions.

D. Compressors

NAFEM also commented and briefed DOE's failure to justify efficiency gain conclusions for compressors. DOE responded that it addressed such comments by reducing proposed efficiency gains from 10% to 2%, which does not provide justification for its 2% efficiency conclusion. Instead, DOE assumed a 2% future improvement premised on marginal improvements to the existing class of [compressors] for commercial refrigeration applications. DOE Br. at 46. DOE admits that it relied solely on a single company's (Danfoss) comments without seeking further substantiation or concurrence. 79 Fed. Reg. at 17,760 (DOE implemented the suggestion of Danfoss, a major supplier, which stated that a 2%

increase in performance over today's standard offerings, with a corresponding cost increase of 5%, is attainable. DOE's assumption regarding future marginal improvements completely conflicts with its obligation to rely only on current technologies in its Screening Analysis, a concern raised by NAFEM that DOE has failed to answer. See NAFEM Br. at 47. On this issue DOE relies on the industry expertise of a single company as demonstrated at its public hearing

MR. WEBER: Well, the assumption for compressors of an improvement trend was based on discussions with the manufacturing community and the validation of the manufacturing community, who the Department feels to be the real experts on this. So if you feel that that trend won't continue, if you feel that is not a valid assumption, we invite that comment.

Doc. #62, Hearing Transcript at 73 (comments of Mr. Weber, representative of DOE contractor Navigant). But even Danfoss admits that, unlike with refrigerants, DOE was looking only at what might be possible for compressors and not what was widely available:

MR. WILKINS: Robert Wilkins, Danfoss. Just to add a little emphasis on this refrigerant, I think this is really a critical issue. These technologies are here and available today *it's not like the compressor issue, where you are kind of playing on the [claim] of what might be possible to achieve*. Refrigerants are approved by EPA. And they are widely available around the world.

Id. at 126 (emphasis added).

A 2% improvement is significant. Compressor design involves complex technology and the single manufacturer that DOE relied upon only thinks 2% improvement might be possible. This Court should not defer to DOE's

unsubstantiated assumption regarding future technologies!¹² See NAFEM Br. at 47. DOE's actions are unjustified and indefensible.

E. Insulation

DOE's decision to increase energy efficiency demands by increasing insulation thickness is a critical issue with significant market impacts, as NAFEM has set forth. NAFEM Br. at 4. NAFEM has identified that future refrigerator units must maintain not only the same size footprint as existing units (to slide into existing constructed locations) they must also retain the same interior dimensions to accommodate millions of racks, trays, pans, and other functional items that have been designed and sold separately to fit into such units at bakeries, restaurants, etc. Whether a chosen technology will have an adverse impact on utility is something that DOE is statutorily obligated to consider. See 10 C.F.R. Part 430, Appendix A to Subpart C, (4)(a)(4) and (5)(b). DOE's Response Brief dismisses the issue by asserting that other technologies could be modified instead of increasing insulation thicknesses in order to meet stringent new standards. DOE Br. at 47.

DOE cannot identify any other technologies that would substitute for increasing insulation thickness. For example, if a manufacturer does not increase insulation thickness in its vertical freezers (section 229.201, VCS.SC.L), the

¹² Indeed, there have been no major offerings of more efficient compressors since the rule was promulgated over a year ago. Moreover, the type of refrigerants being used greatly affects compressor performance and design. The changes in allowed refrigerants under the new SNAP regulation discussed in Section II.A *supra*, will impact any potential changes in compressor efficiency.

resulting engineering spreadsheet results fail to meet the new standards.¹³ To avoid a loss of utility (maintaining existing footprint and volume requirements), manufacturers are then forced to make-up for lost insulation thickness through improvements to other technologies. But, DOE already has assumed the maximum improvement for the other relevant technologies, 79 Fed. Reg. at 17736, leaving manufacturers with no technologically feasible measures to employ.¹⁴ Currently, the options would be to change footprint, volume dimensions, or not produce replacement units, all of which are inappropriate and unlawful, yet DOE remains dismissive of this issue.

In sum, if energy efficiency standards for certain classes of products demand thicker foam insulation, but internal volume and external footprint must remain the same before and after the standards are implemented, the agency cannot defend its claim that it has fully responded to comments. DOE states it found increased insulation thickness in the marketplace, but continues to refuse to disclose if this is in applications where changing volume or footprint would be detrimental to product utility. It cannot claim that it has identified alternative technologies and certainly has not provided any analysis of potential loss of equipment utility by large sector of the industry. This failure is arbitrary, capricious, and contrary to law.

¹³ This can be evaluated by removing the 1/2" insulation option on the Design Option Ordering tab in the engineering spreadsheet for evaluating the category of VCS.SC.L.

¹⁴ Moreover, this analysis is only for the DOE chosen representative unit, and as discussed in Section IV.A. *supra*, the engineering spreadsheet does not allow regulated entities to change the spreadsheet to calculate what these effects would be on the actual size models they manufacture and sell.

V. REGULATORY FLEXIBILITY ACT

NAFEM states that DOE failed to conduct an appropriate Regulatory Flexibility Act (RFA) analysis consistent with 5 U.S.C. §§ 603(c) and 604(a). (See NAFEM Br. at 51. NAFEM quoted the statute as well as appropriate Small Business Administration Office of Advocacy guidance to federal agencies regarding the scope and types of alternative approaches (including but not limited to exempting small businesses as appropriate) that DOE should have considered in performing its RFA analysis. DOE dismisses these assertions as too generalized and inconsistent with the EPCA. DOE Br. at 51. According to DOE, it cannot reasonably consider exempting any small businesses because it must come up with a single national standard for each class of equipment, and that Congress limited DOE's small business exceptions through 42 U.S.C. § 6295(t). *Id.* But neither assertion is applicable to or relevant to DOE's obligations under the RFA.

First, DOE fails to recognize that EPCA specifically authorizes the agency to promulgate energy efficiency standards for certain types or classes of products that are *not* maximum improvements in energy efficiency, provided DOE justifies the reasons for a rule with less than maximum standards. 42 U.S.C. § 6295(p)(1). In addition, DOE has never before claimed that EPCA limits the options the agency can consider during a RFA analysis. In fact, the EPCA provision cited by DOE (42 U.S.C. § 6295(t)) relates to a process Congress established for a small manufacturer to seek temporary relief from already established standards *post hoc*. It is illogical for DOE to consider that a limitation on its RFA analysis or the various options it should consider while developing a rulemaking such as a CORE.

Further, DOE has adopted procedures and policies to ensure that the potential impacts of its draft rules on small businesses are properly considered during the rulemaking process. 68 Fed. Reg. 7,990 (Feb. 19, 2003). It recognizes that the

level, scope and complexity of its ~~RA~~ review will vary depending on the characteristics and composition of the industry to be regulated and the nature of the rulemaking requirements. *Id.* at 7,992. In fact, DOE recognizes that a more exacting standard should be applied to new energy efficiency standards. *Id.* Moreover, the DOE ~~RA~~ policy states that DOE must consider the elements set forth in the SBA guidance ~~NAFEM~~ cited in its opening brief, ~~NAFEM~~ Br. at 51-52, including specifically those significant alternatives for small businesses such as differing compliance timetables, simplified compliance, and exemption from coverage of the rule, or any part thereof, for small entities. 68 Fed. Reg. at 7,993.

DOE dismisses any challenge to ~~RA~~ A as purely procedural but ~~NAFEM~~ believes otherwise. The question before this Court is whether DOE's ~~RA~~ analysis, option selection, and ultimate conclusions were the result of a good faith effort to canvass major options and weigh their probable effects. *Nat'l Ass'n of Psychiatric Health Sys. v. Shalala*, 120 F. Supp. 2d 33, 44 (D.D.C. 2000) (quoting *Associated Fisheries of Maine, Inc. v. Daley*, 127 F.3d 104, 116 (1st Cir. 1997)). Wrongful reliance on EPCA, and a clear lack of consistency with its own ~~RA~~ policies and procedures with regard to types of options to consider and actual consideration opens the door for this Court review.

CONCLUSION

For all of these reasons, the Court should rule that ~~DOE~~ violated the APA and the EPCA in promulgating the Final Rule, and enter an order vacating the Final Rule; or in the alternative, remand the Final Rule ~~DOE~~ for reconsideration and further review and comment with a corresponding stay of the effective date for all relief the Court deems fair and just.

Dated: August 19, 2015

s/ Jeffrey S. Longworth
Jeffrey S. Longworth
BARNES & THORNBURG LLP
1717 Pennsylvania Avenue, N.W.
Suite 500
Washington, D.C. 20006-4623
Phone (202) 408-6918

Attorneys for Petitioner the North
American Association of Food
Equipment Manufacturers

CERTIFICATE OF SERVICE

The undersigned, counsel for Petitioner ~~North American Association of Food Equipment Manufacturers~~, hereby certifies that on August 19, 2015, a true and correct copy of the Reply Brief of Petitioner ~~North American Association of Food Equipment Manufacturers~~, was filed electronically and will therefore be served electronically upon all counsel of record.

s/ Jeffrey S. Longworth
Jeffrey S Longworth
Barnes & Thornburg LLP
1717 Pennsylvania Avenue, N.W. Suite 500
Washington, D.C. 20006-4623
Phone (202) 408-6918

Attorneys for Petitioner ~~the North American Association of Food Equipment Manufacturers~~

CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS, -VOLUME LIMITATION,

1. This brief complies with the type volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains 944 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and Cir. Rule 32(b) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Office Word 2008 in 12-point Century type.

s/ Jeffrey S. Longworth
Jeffrey S. Longworth
BARNES & THORNBURG LLP
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Phone (202) 408-6918

Attorneys for Petitioner the North
American Association of Food
Equipment Manufacturers

GRDS01 509 831 v2

NAFEM COMMENTS

ATTACHMENT C: COMPRESSOR SUPPLIER LIMITATIONS

Supplier 1:

Per our conversation this morning, the energy numbers set forth by the Department of Energy in regards to the XXXXX cabinet are extremely aggressive. The DOE2010 requirement is 6.81 kWh/day; the new DOE2017 requirement is 1.93 kWh/day that is a reduction of 72% in energy. We took one of our most efficient on/off compressors (XXXXXXX) and ran the calculations, assuming a compressor run time of 40% and no other system requirements (no fans, no control boards, etc.), we would still greatly exceed the requirements put forth for DOE2017.

Unfortunately, it appears the test standard used by the Department of Energy are standardized more chest freezers using static condenser evaporators with thickly insulated walls. We have seen this trend with other cabinets in this category, as well. We have another refrigerator we are testing had to report a logo there, the numbers set forth by DOE are too extreme.

XXXXXXX specs:

ASHRAE LBP Capacity 592.6W, Consumption 370.5W

$370.5W * 24H / 1000W * 0.40 = 3.55kWh/day$

$370.5W * 24H / 1000W * 0.30 = 2.67kWh/day$

$370.5W * 24H / 1000W * 0.21 = 1.87kWh/day$ that is only a 21% compressor run time with no other system requirements

Based on the numbers above, XXXXX does not currently have a solution for the XXXXX. Once we have a variable speed solution, we can rerun the calculations and see where we are at.

Supplier 2:

As we have discussed, this is a huge gap to overcome and I think you are going to achieve it just by replacing the compressor. Going to full motion, if you account for the "full motion effects" it will help some, but it's still a huge gap.

I think that we are going to have to look at some major changes. One thing, have you considered using a cold wall design for the application? This would eliminate some fan time and is commonly used on ice cream chest freezers to save energy. After that, consider motors for the condenser, but this is huge negative on cost.

Note: Full motion compressor is a variable speed compressor.

NAFEM COMMENTS

ATTACHMENT D: SOLID DOORS VERSUS GLASS DOORS

1. The formula for Vertical Door, ~~Self-Contained, Medium Temperature~~ models does not make sense for models with less than 10 cuft of volume. Basically, inferring from the formulas, glass doors are more efficient than solid doors when the volume of the cabinet is less than 10 cuft. But in actuality, glass doors are greater in heat gain.

Equipment Class Formula

VCT.SC.M $.1 \times \sqrt[4]{0.86}$ Vertical Closed Transparent ~~Self-Contained, Medium Temp~~
VCS.SC.M $.05 \times \sqrt[4]{1.36}$ Vertical Closed Solid ~~Self-Contained, Medium Temp~~

Based on these formulas when the volume is less than 10 cuft, you are permitted to consume more energy on solid door models than on glass door models.

Example 5 cuft.

Glass Doors Permitted to Consume: 1.36 kWh/day
Solid Doors Permitted to Consume: 1.61 kWh/day

More energy consumption permitted with a solid door

Example 20 cuft

Glass Doors Permitted to Consume: 2.86 kWh/day
Solid Doors Permitted to Consume: 2.36 kWh/day

More energy consumption permitted with a glass door

2. We cannot achieve the energy level requirements on Horizontal Closed ~~Self-Contained, Low Temperature~~ models. We previously used this for glass/mug frosters for ~~these models~~. The energy consumption permitted is the approximate value of the compressor energy consumption. If these models were configured as vertical doors the energy level permitted increased dramatically.

Equipment Class Formula

HCS.SC.L $.06 \times \sqrt[4]{1.12}$ Horizontal Closed Solid ~~Self-Contained, Low Temp~~
VCS.SC.L $.22 \times \sqrt[4]{1.38}$ Vertical Closed Solid ~~Self-Contained, Low Temp~~

We used to have a model that had 3.91 cuft. of volume.

Based on the formula HCS.SC.L, the equipment is permitted to consume 1.35 kWh/day

If we switched to a vertical door VCS.SC.L, the equipment is permitted to consume 2.24 kWh/day

If we had a vertical door instead of a horizontal door given the same volume permitted, it would be more energy consumption.

Energy Analysis for 3.91 cuft model:

° HP 404A, C Frame (S.P.) Cond Fan Motor, DC Evap Fans. Does not include defrosts or lid condensation heaters and also evap fans off in compressor off cycles.

Compressor Power Consumption: 281

Watts Cond Fan Power Consumption: 36

Watts Evap Fan Motor Power

Consumption: Watts

Using 40% run time the power consumption is 3.11 kWh/day

Note: Actual ASHRAE 72 testing came out higher because of defrosts and lid heater cycling.

° HP R290, EC Cond Fan Motor, DC Evap Fans. Does not include defrosts or lid condensation heaters and also evap fans off in compressor off cycles.

Compressor Power Consumption: 227

Watts Cond Fan Power Consumption: 18

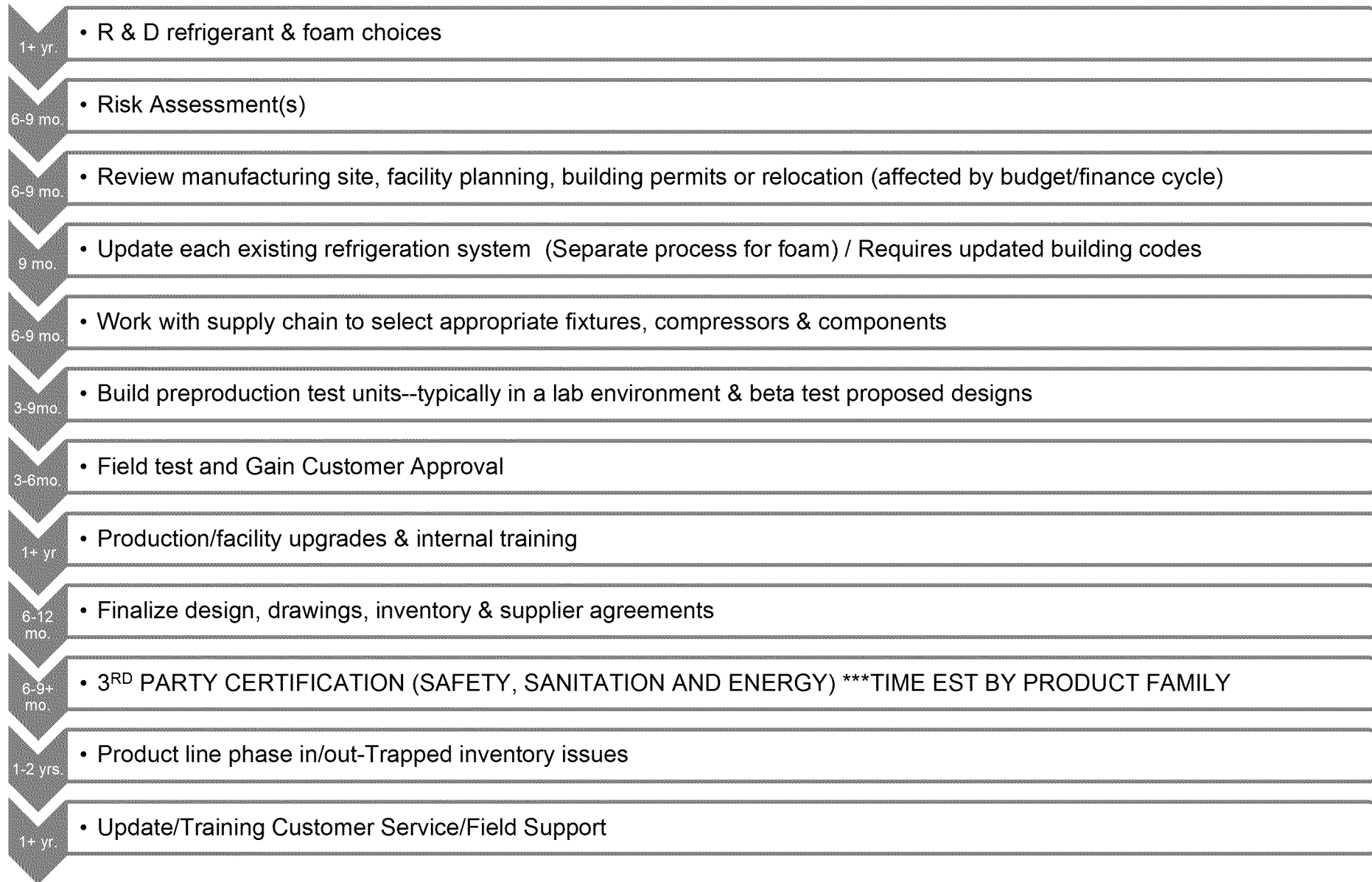
Watts Evap Fan Motor Power

Consumption: Watts

Using 30% run time the power consumption is 1.81 kWh/day

Note: If we add defrosts and some lid heater cycling, this would be higher. We are only permitted 1.35 kWh/day per the DOE formula.

Average Planning Cycle



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Michael Tobin, Clear Law Institute
Sent: Fri 12/1/2017 1:49:57 PM
Subject: Ethically Representing the Cannabis Client

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To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Messner, Kevin
Sent: Tue 11/21/2017 10:15:30 PM
Subject: FW: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)

Yeah!!! THANKS!!

From: Altan Gabbay [mailto:gabbay.altan@epa.gov]
Sent: Tuesday, November 21, 2017 2:09 PM
To: Messner, Kevin <KMessner@AHAM.org>
Subject: [us_epa_ozone_layer_protection_news] SNAP Actions (Rule 22)

SNAP Actions (Rule 22)

On November 20, 2017, EPA Administrator Scott Pruitt signed a Direct Final Rule and an accompanying Notice of Proposed Rulemaking titled, "Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards." This action modifies the use conditions required for use of three flammable refrigerants: isobutane (R-600a), propane (R-290), and R-441A, in new household refrigerators, freezers, and combination refrigerators and freezers under the Significant New Alternatives Policy (SNAP) program. The use conditions, which address safe use of flammable refrigerants, are being revised to reflect the recently updated UL Standard 60335-2-24 that is incorporated by reference. This action will provide greater flexibility to appliance manufacturers by allowing for a larger refrigerant charge size of 150 g for flammable refrigerants while ensuring the refrigerants are safely used.

An advance copy of the final rule and concurrent notice of proposed rulemaking (Rule 22) is available at www.epa.gov/snap/snap-regulations, which will be updated once these rules are published in the Federal Register. To view the public docket, visit www.regulations.gov and search for docket number EPA-HQ-OAR-2017-0472.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: David Schwietert
Sent: Tue 11/14/2017 5:46:17 PM
Subject: RE: Auto Alliance Board Invitation for Bill Wehrum

Glad to see reinforcements are starting to arrive at EPA based on all that you guys are juggling.

DOT picked up Derek Kan last night officially and their general counsel is next up.

I know you have a series of AA's pending and Andy Wheeler close behind.

Dave

-----Original Message-----

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Tuesday, November 14, 2017 12:45 PM
To: David Schwietert <DSchwietert@autoalliance.org>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Auto Alliance Board Invitation for Bill Wehrum

Thanks Dave, hope you are doing well!

Sent from my iPhone

> On Nov 14, 2017, at 12:43 PM, David Schwietert <DSchwietert@autoalliance.org> wrote:
>
> Samantha and Brittany,
>
> I intended to copy you on my email below to Mandy a few minutes ago.
>
> Wanted to flag this invitation for your awareness.
>
> Thanks!
>
> Dave
>
> From: David Schwietert
> Sent: Tuesday, November 14, 2017 12:40 PM
> To: 'gunasekara.mandy@epa.gov' <gunasekara.mandy@epa.gov>
> Subject: re: Auto Alliance Board Invitation for Bill Wehrum
>
> Mandy,
>
> Attached is a formal invitation Assistant Administrator Bill Wehrum to attend a portion of the Auto Alliance Board Meeting here in Washington D.C. on the morning of Thursday, December 7th
>
> Mike Catanzaro is confirmed to join our meeting around 10:00 AM and we felt it would be great to have the Assistant Administrator join us as well.
>
> I wanted to flag this for you and I'm happy to provide any additional information. I'm also happy to route the request to others within EPA if necessary.
>
> So far, the Board has confirmed meetings with various Administration officials on December 7th –Deputy DOT Secretary Rosen and we're awaiting confirmations from NHTSA Deputy Administrator King and DOT Undersecretary for Policy, Derek Kan. Senate Majority Leader McConnell is also confirmed to

meet with our Board.

>

> We've appreciated the EPA Administrator's willingness to spend time with our Board during their April meeting and with Assistant Administrator Wehrum's swearing in this week and direct involvement in key issues impacting the auto sector (mid term review) we felt our board meeting next month might be a nice way for us to underscore the important work that's underway between EPA, DOT, and CA to preserve One National Program for vehicle fuel economy standards.

>

> Let me know if I can answer any questions.

>

> Thanks!

>

> Dave

>

>

> David Schwietert

> Executive Vice President, Federal Government Relations & Public Policy

> P: 202-326-5521 | dschwietert@autoalliance.org<<mailto:dschwietert@autoalliance.org>>

>

>

>

>

> [cid:image002.png@01D09E0D.54A04F20]

>

> ALLIANCE OF AUTOMOBILE MANUFACTURERS

>

> 803 7th Street, NW

> Suite 300

> Washington, DC 20001

>

> Main Phone: 202-326-5500

> Main Fax: 202-326-5567

>

>

>

>

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> <https://autoalliance.org/>

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>

> <image001.png>

> <image002.png>

> <Bill Wehrum Board Invitation Letter Signed 11142017.pdf>

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Michael Tobin, Clear Law Institute
Sent: Thur 11/16/2017 6:21:28 PM
Subject: Using Technology to Avoid Ethical Violations & Avoiding Ethical Violations When Using Technology

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To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Melodie DeMulling[demulling@eli.org]
From: Jacqueline Lopez
Sent: Mon 8/14/2017 5:48:02 PM
Subject: Environmental Law Institute Award Dinner--10/18/2017
Dravis EPA.pdf

Good afternoon Ms. Dravis,

My name is Jackie, and I am the development intern at ELI.

Last week, your formal invitation to the Environmental Law Institute's Annual Award Dinner was mailed to your office. This year, ELI will honor the Administrator for the United Nations Development Programme, Mr. Achim Steiner, for his leadership and contributions to international environmental development and sustainability.

Attached is a copy a of your letter invitation with more information. Please RSVP as soon as possible by replying to this email or emailing our Development Director, Melodie DeMulling, at demulling@eli.org.

Thank you, and we look forward to welcoming you to the Award Dinner on October 18th.

Warm regards,

Jacqueline Lopez

Development Intern

Environmental Law Institute

1730 M St., NW, Suite 700

Washington, DC 20036

lopez@eli.org

August 8th, 2017

Ms. Samantha Dravis
EPA
Senior Policy Counsel to the Administrator and Associate Administrator for Policy
Environmental Protection Agency
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Ms. Dravis,

This is a non-transferable complimentary invitation to the Environmental Law Institute's 2017 Award Dinner honoring Achim Steiner, Administrator for the United Nations Development Programme. The Dinner will be held on October 18, 2017 at the Omni Shoreham Hotel in Washington, D.C. Registration will begin at 5:00 p.m., with a pre-dinner reception beginning at 5:30, and dinner to follow at 7:15 p.m.

Attendance at ELI's Award Dinner has not been prohibited in the past by ethical guidance from United States government departments; however, please consult as appropriate within your State agency prior to accepting this invitation. Should ethics rules or conflict of interest policies require you to pay, you may send a check (payable to the Environmental Law Institute) to 1730 M Street, NW, Suite 700, Washington, D.C. 20036) in the amount of \$200 to cover the actual value of the discounted government/academic/nonprofit rate ticket.

We hope you'll be able to join us for Washington's premier annual event for environmental professionals from around the country. Please RSVP as soon as possible to me at demulling@eli.org or 202-939-3808 regarding your availability to attend the Award Dinner.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Melodie DeMulling', with a stylized, flowing script.

Melodie DeMulling
Development Director

To: Zadrozny, John A. EOP/WHO[EOP/Ex. 6] Dravis,
Samantha[dravis.samantha@epa.gov]
From: Marie Sanderson
Sent: Thur 10/26/2017 7:09:25 PM
Subject: connecting two friends

Samantha- meet my friend, John Zadrozny at DPC (justice and homeland security). He and I are friends from transition. We were talking about friends in the Administration and I was bragging on you—He mentioned he had not met you yet and I thought the two of you should definitely know each other. Your work is very complimentary in some instances. I'll let you two take it from here- but hope to see you both soon.

Best,

Marie

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Horton, Melissa H.
Sent: Tue 7/11/2017 12:36:27 PM
Subject: Re: follow up

Hi. Would 4pm ET today (Tuesday) work for you?

Melissa Horton
Federal Environmental Affairs
Southern Company
205.613.8320 cell
201.261.5014 office

On Jul 10, 2017, at 5:00 PM, Dravis, Samantha
<dravis.samantha@epa.gov<mailto:dravis.samantha@epa.gov>> wrote:

Melissa,

I am on a call now but as soon as I am finished I will give you a call.

-----Original Message-----

From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]
Sent: Monday, July 10, 2017 5:40 PM
To: Dravis, Samantha <dravis.samantha@epa.gov<mailto:dravis.samantha@epa.gov>>
Subject: follow up

Hi Samantha. I hope you are doing well and having a great week so far!

I want to see if you have some time to catch up by phone this week. Let me know what would be convenient for you and I can provide a call-in number. Thank you.

Melissa Horton
Federal Environmental Affairs
Southern Company
205.613.8320 cell
201.261.5014 office

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: HotelTonight
Sent: Wed 9/27/2017 10:49:12 PM
Subject: Sign in on your mobile device

Hi Samantha! Here's that link to log you right into HotelTonight.

Sign in on your mobile device

Heads up: this link will only work if you're on your mobile device and for the next hour.

If this wasn't you, please ignore this email, and commence giving the side-eye to everyone you know.

From: Idrovo, Jennifer
Sent: Wed 6/21/2017 9:27:12 PM
Subject: 25th Fall Conference Materials Due: Friday, July 21, 2017
[Speaker Release.pdf](#)

Dear 25th Fall Conference Speakers:

This serves as a reminder that your speaker release form, diversity profile form, biography, and electronic photo are due **Friday, July 21, 2017**.

Please submit the following materials online at:
https://americanbar.qualtrics.com/SE/?SID=SV_2I7VxsY8w4Vxptj&Q_JFE=0

• **Biography** ([Click here for a Sample Biography](#))

Please submit a short biography of no more than 250 words. If it is longer than this, it will be edited down to the requirement.

• **Electronic Photo** (JPG format)

• **Speaker Release Form** (attached)

Due Dates and Milestones:

Please work with your moderator to prepare a publication-quality paper in accordance with the following due dates and milestones:

Submit Speaker Release Form, Diversity Profile Form, Biography, and Electronic Photo
Friday, July 21, 2017

Draft Abstract/Paper due to Moderator
Wednesday, September 13, 2017

Final Abstract/Paper Submission due to Program Assistant
Thursday, September 28, 2017

See you in Baltimore, MD!
October 18-20, 2017

Speaker/Moderator Responsibilities

Your speaker responsibilities for the program are outlined on the following link:

<https://www.americanbar.org/content/ebus/events/2017/25th-fall-conference/speakers.html>

**Please note, deadlines also apply to sponsors.*

If you have any questions or concerns, please do not hesitate to ask.

Sincerely,

Jennifer Idrovo

Program Assistant

Section of Environment, Energy, and Resources

American Bar Association | 321 N. Clark Street | Chicago, IL 60654

T: (312) 988-5625 | F: (312) 988-5572

Jennifer.Idrovo@americanbar.org

www.americanbar.org/envIRON



To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Drew Feeley
Sent: Tue 8/1/2017 12:30:58 AM
Subject: Thank You

Samantha and Brittany,

I enjoyed meeting with you today about the policy counsel opportunity. Based on our discussion, I think my experience, views, work ethic, and goals make me a good fit for your team. Please let me know if I can provide anything further.

I look forward to hearing from you soon.

Sincerely,
Drew

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Bennett, Tate[Bennett.Tate@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kumar, Chitra[Kumar.Chitra@epa.gov]; Wilson, Clark[Wilson.Clark@epa.gov]; Thomas, John V.[Thomas.John@epa.gov]; Germann, Sandy[Germann.Sandy@epa.gov]; Graebert, Mary[lakemary@landpolicy.msu.edu]
From: Dalbey, Matthew
Sent: Fri 7/21/2017 4:36:18 PM
Subject: July 21: Recent Press on OSC Community Work

Samantha and Brittany

I wanted to share some recent press from our work in communities.

Last week OSC and regional staff were in Nogales, AZ and Columbia, SC. The Rainelle, WV article is follow on press from our work there earlier in the spring.

You'll also see a couple of quotes that show how this work is helping to transform neighborhoods and create new opportunity for residents. FYI...

Best,

Matt

Nogales, AZ

Healthy Places for Healthy People

Nogales International

[Project aims to build a healthy downtown](#)

"Mariposa (Community Health Center) will definitely be pursuing options downtown for administrative or primary care services that would serve as an anchor for additional services. We've seen examples of what has been done in other communities and what we could do to revitalize our own downtown." (MCHC Program Development Leader attending HP2 workshop)

Columbia, SC

Greening America's Communities

WLTX19 (CBS)

The Rocky Branch Greenway May Get Facelift

"Once this is restored, I can take my younger ones, let them I experience what I did and what their grandfather did and dad and other family members enjoyed about being on the creek down there by Rocky Branch." (Local grandmother attending GAC greenway planning meeting)

Free Times

EPA, Public Helping with Rocky Branch Greenway Design

City of Columbia Twitter

<https://mobile.twitter.com/CityofColumbia/status/885553576407445505?p=p>

Ranielle, WV

Local Foods, Local Places

Register-Herald

Agricultural Learning Center spawns farmers markets

Sandy Germann

US EPA Office of Policy

202-631-0272

germann.sandy@epa.gov

To: Joseph Mendelson[jmendelson@tesla.com]
Cc: Rohan Patel[rohpatel@tesla.com]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 7/27/2017 5:25:58 PM
Subject: Re: Thanks!

Joe and Rohan,

Thank you for being so flexible the other day, it was good to meet with you. I'll forward your tour invitation to our public engagement folks. I'll send a separate email connecting you with Mike, too.

Best,
Brittany

On Jul 25, 2017, at 3:42 PM, Joseph Mendelson <jmendelson@tesla.com> wrote:

Samantha and Brittany,

Thanks on my end as well.

Please let us know how we can be of assistance in the future. Per your offer, we would also appreciate an opportunity to engage with Mike Cantazaro.

My best,

Joe

Joseph Mendelson | Senior Counsel | Policy and Business Development
601 13th Street, NW, 9th Fl. N. | Washington, DC 20005
c 703.244.1724 | e jmendelson@tesla.com

<image001.png>

The content of this message is the proprietary and confidential property of Tesla Inc, and should be treated as such. If you are not the intended recipient and have received this message in error, please delete this message from your computer system and notify me immediately by reply e-mail. Any unauthorized use or distribution of the content of this message is

prohibited. Thank you.

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Please consider the environment before printing this email.

From: Rohan Patel
Sent: Tuesday, July 25, 2017 3:30 PM
To: dravis.samantha@epa.gov; bolen.brittany@epa.gov
Cc: Joseph Mendelson
Subject: Thanks!

Samantha and Brittany,

Very busy and exciting time to be a part of the administration, so we appreciate you taking the time with us and stand ready to help provide any data and analysis that may be helpful to you in this review process. I'd also like to invite you (and anyone else you'd like to include from EPA) to come out to our Fremont, CA or Sparks, NV factories to speak directly with our engineers and see the manufacturing process up close.

Thanks again,

Rohan Patel

Tesla

317-532-7898

To: Kaleigh Thomas[kthomas@cnas.org]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Elizabeth Rosenberg
Sent: Thur 9/14/2017 4:41:46 PM
Subject: Thank you

Dear Samantha,

Thank you very much for taking the time to participate in our session this morning and to offer such thoughtful remarks—particularly on such short notice! I appreciated the points you raised on international engagement on climate issues, in particular. We had terrific feedback on the session and I look forward to convening more such conversations in the future. I'm grateful for your contribution to make this one such a success.

Many thanks again and I look forward to working with you in the future.

With all the best, Liz

From: Kaleigh Thomas <kthomas@cnas.org>
Date: Wednesday, September 13, 2017 at 8:56 AM
To: "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: Elizabeth Rosenberg <erosenberg@cnas.org>
Subject: Re: Thu

Ms. Dravis,

I have attached the attendee list as well as the report we are releasing in coordination with this event and copied the event invite below. The roundtable is tomorrow from 9:30am to 11:00am at the Center for a New American Security (1152 15th Street NW, Suite 950, Washington DC 20005). Please arrive no later than 9:15am so we can review any last minute details.

Please let me know if I can be of further assistance or address any additional questions.

Best,

Kaleigh

Kaleigh Thomas

Program Coordinator

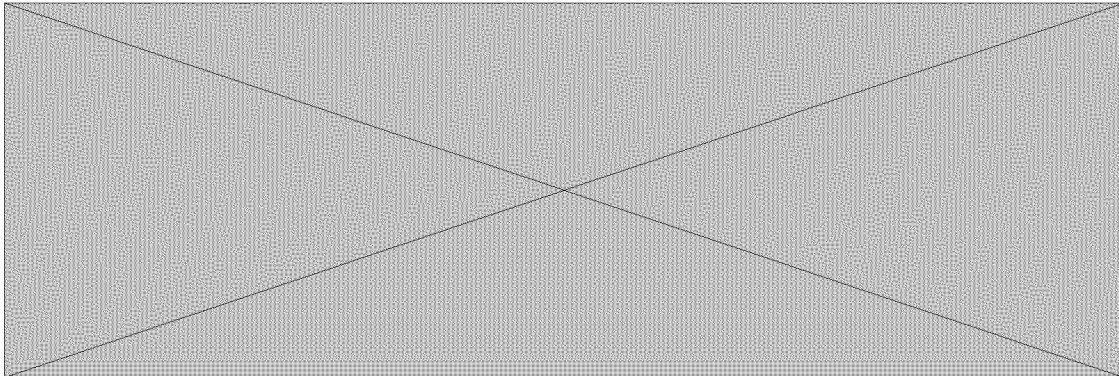
Energy, Economics, and Security | Middle East Security

Center for a New American Security

kthomas@cnas.org

D 202.457.9406

M 804.543.8778



A CNAS EVENT INVITATION

The Future of U.S. Climate Leadership

Thursday, September 14, 9:30 am to 11:00 am

A private roundtable with remarks by:

George David Banks
Special Assistant to the President
for International Energy and the Environment
National Security Council

Elgie Holstein
Senior Director for Strategic Planning
Environmental Defense Fund

Presented by:

Elizabeth Rosenberg, CNAS Program Director and Senior Fellow, will host.

David Gordon, CNAS Adjunct Senior Fellow, will moderate.

Divya Reddy, Eurasia Group Practice Head, will serve as a discussant.

Please join us for a private, off-the-record roundtable to discuss the future of U.S. climate leadership. The dust is now settling on President Donald Trump's controversial decision to withdraw the United States from the 2015 Paris Agreement on climate change. We must now focus on climate policy issues facing the United States – both international and domestic – in the aftermath of leaving the Paris Agreement. At this time, the starting point for effective policy should be to do what is principled yet practical. The discussion will focus on the following questions: (1) How should the U.S. administration craft a climate agenda that serves U.S. interests? (2) Is the strategic implication of the U.S. withdrawal from the Paris agreement in order to focus on clean energy a concept around which U.S. stakeholders can rally? (3) Can the United States remain a global leader on climate policy?

The event will coincide with the launch of a CNAS report on **"After-Paris: A Climate Agenda that Serves U.S. Interests"** by David F. Gordon, Divya P. Reddy, and Elizabeth Rosenberg.

Please note that this is a private, off-the-record event and invites are non-transferrable. **To RSVP to this event, please contact Kaleigh Thomas at kthomas@cnas.org.**

Center for a New American Security

1152 15th Street NW | Suite 950
Washington, DC 20005

Thursday, September 14, 2017

9:30 am - 11:00 am

George David Banks serves as Special Assistant to the President for International Energy and Environment. Banks was previously Executive Vice President of the American Council for Capital Formation, a business association based in Washington, D.C. Banks also served as GOP Deputy Staff Director of the Senate Environment and Public Works Committee and Senior Adviser on International Climate at the Council on Environmental Quality under President George W. Bush. He also worked as a diplomat for the U.S. State Department and analyst for the Central Intelligence Agency. Banks holds a B.A. in economics, history, and political science and an M.A. in economics from the University of Missouri, as well as a J.D. from George Mason University.

Elgie Holstein serves as the Senior Director for Strategic Planning at the Environmental Defense Fund. In this role, he coordinates strategy and policy work and represents EDF's programs to policymakers, supporters, and the media. Holstein brings extensive career experience — having held a number of senior positions in government and the private sector — with a focus on energy, natural resources, and environmental policy. Holstein's government service has included senior positions in which he has been responsible for a variety of natural resources, environmental, science, energy, and economic policy

issues. Those positions include Associate Director of Office of Management and Budget for Natural Resources, Energy and Science; Special Assistant to the President for Economic Policy, White House National Economic Council; Assistant Secretary of the National Oceanic and Atmospheric Administration; and Chief of Staff, U.S. Department of Energy.

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

From: Elizabeth Rosenberg
Sent: Wednesday, September 13, 2017 8:42:35 AM
To: Dravis, Samantha
Cc: Kaleigh Thomas
Subject: Re: Thu

Of course. Kaleigh, please send Ms. Dravis the RSVP list, the invite, and the logistical information.

Thank you!

Sent from my iPhone

On Sep 13, 2017, at 8:39 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Can you share an attendee list with me?

Sent from my iPhone

On Sep 13, 2017, at 8:37 AM, Elizabeth Rosenberg <erosenberg@cnas.org> wrote:

Dear Ms Dravis,

That sounds good--an EPA perspective would be very welcome. I can speak now until 10, or after about 12:30. Please call my cell at 646-241-1038.

Thank you, Liz

Sent from my iPhone

On Sep 13, 2017, at 7:11 AM, Kime, Robin <Kime.Robin@epa.gov> wrote:

Will do

Sent from my iPhone

On Sep 13, 2017, at 7:06 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

We need to discuss before I accept the invitation.

I can speak on behalf of Administrator Pruitt, but not the Administration as a whole and not on behalf of the President.

Robin can you set up a time for us to talk?

Sent from my iPhone

On Sep 12, 2017, at 9:53 PM, Elizabeth Rosenberg <erosenberg@cnas.org> wrote:

Dear Ms. Dravis,

Thank you for your willingness to participate in our event this Thursday morning. I'm looping in my colleague Kaleigh who can send you the event invitation and details on the logistics. She can also send you the report that we'll be releasing on Thursday on the same general topic as our event.

As for the program Thursday, I will open the intimate, off the record conversation and turn to our moderator, David Gordon for speaker introductions. Then, we would like to invite you to offer brief remarks (5-8 minutes) to discuss the U.S. administration's agenda for international climate and environmental leadership following the President's indication that the U.S. will depart the Paris framework on climate change. We will then turn to Elgie Holstein from EDF to contribute some ideas about opportunities for U.S. climate leadership outside or alongside the Paris framework. We will then open the conversation to the group, which will be comprised of an array of

stakeholders from the energy industry, environmental community, and policy analytical/policymaker community.

Let me know if you have any questions and we look forward to hosting you Thursday.

All the best, Liz

From: Banks, George D. EOP/WHO <George.D.Banks@who.eop.gov>
Sent: Tuesday, September 12, 2017 8:14 PM
To: Elizabeth Rosenberg
Cc: Dravis, Samantha
Subject: RE: Thu

Yep, connecting you now. Many thanks - d

-----Original Message-----

From: Elizabeth Rosenberg [<mailto:erosenberg@cnas.org>]
Sent: Tuesday, September 12, 2017 8:02 PM
To: Banks, George D. EOP/WHO <George.D.Banks@who.eop.gov>
Subject: Re: Thu

Thanks for your email and I'm very sorry to hear that you can't make it. We'd be very glad to host Ms. Dravis. Can you put us in touch?
Many thanks and look forward to working with you again soon, Liz

Sent from my iPhone

> On Sep 12, 2017, at 7:55 PM, Banks, George D. EOP/WHO
> <George.D.Banks@who.eop.gov> wrote:
>
> Hey Liz,
>
> Bad news on my front.
>
> My apologies, but I now have a West Wing scheduling conflict that prevents me
from participating on Thu.
>
> Samantha Dravis from EPA is willing to fill in if that works for you.
>
> Again, apologies for any inconvenience.
>

> Please keep me in mind for future events - d
>
>
>